

Usūl-ul-Fiqh

Made Easy

A simple treatise on the method of drawing rulings from the Qur'ān and Hadīth that will be of great benefit to the students of the Madāris and those who have an interest in Fiqh. It will appeal to lawmakers and scholars too.

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New Edition

A few years ago, work on the publication of Āsān Usūl-e-Fiqh started. This booklet and Āsān Usūl-e-Hadīth gained widespread acceptance that was beyond our expectation. This is only through the grace and favour of Allāh ﷻ. This book is part of the syllabus in most Madāris of Āndhra Pradesh. These booklets have also been included in the syllabus of Wifāq-ul-Madāris, Bihar. Besides this, it has been included in the syllabus of many Madāris in Pakistan and Bangladesh.

The teachers who taught this book felt the need to add, take out or modify some of the content in the light of their experience. Some of them gave me their views and counsel. Keeping this before me, I modified the work slightly. Most of this was part of simplifying the work. The section on Ahkām Wad'iyyah was also added. In addition, we have tried to present contemporary Fiqhī examples of rulings together with the examples mentioned in the older works so that the students will realise that these principles are not simply theory, but they are linked to the contemporary times too. There were some errors in the quoted Arabic texts and the verses of the Qur'ān were not placed with the diacritical marks. The references of the Ahādīth were not added in some places. In this new edition, all these shortcomings have been rectified. (This has been largely overlooked in the English translation).

This book was first published by Dār-ul-'Ulūm Sabīl-us-Salām, Hyderabad. The new edition was published in 1420 A.H under the auspices of Kutub Khānah Na'imīyyah, Deoband. It has been published from this publishing house ever since. Now, after the review and additional material, another edition is being printed. We request the teachers and scholars that whatever they feel needs attention, they should inform us. This will be of great help to us. May Allāh  accept it and make it beneficial.

Khālid Sayf-ullāh Rahmānī
20 Dhul-Hijjah 1435
16 October 2014

Author's Preface

Usūl-ul-Fiqh is a very important subject amongst the Shar'ī sciences. It is also a difficult one. It is directly linked to Fiqh, but its relation with the Noble Qur'ān and Hadīth is not any less. This is because drawing the rulings from the Noble Qur'ān and Hadīth is based on this science and without a grasp of it; a person will not be able to reach the soul of the Noble Qur'ān and Hadīth. Therefore, special importance is given to this science in the Dīnī Madāris and a number of books are taught on this science.

Usūl-ush-Shāshī, Nūr-ul-Anwār and Husāmī are generally taught as part of the syllabus. Some institutions have included 'Ilm Usūl-ul-Fiqh by Shaykh 'Abdul Wahhāb Al-Khallāf. This has been a beneficial and excellent addition to the syllabus. Nūr-ul-Anwār covers mostly the sections on the types of words and the discussions are quite lengthy. Because of this, many beneficial sections are left out. Looking at this, in Dār-ul-'Ulūm Sabīl-us-Salām, Hyderabad, we tried to teach Al-Manār instead of Nūr-ul-Anwār. This proved very beneficial. By doing this, all the discussions of Usūl-ul-Fiqh are studied to a certain degree. It is appropriate to state at this point that in order to build mastery and foresight in this science, nay, a good affiliation with it, other books have to be included in the syllabus. Usūl Bazdawī in Hanafī Fiqh ought to be taught in the

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All praise is for Allāh, I got the opportunity to teach these books. It is my experience with the first book taught: Usūl-ush-Shāshī, that although the language is simpler in comparison to other works and the minds of the students absorb it because of the many examples it has, but the reality is that it is quite difficult to explain the text. As for most of the sciences, the first book is now taught in Urdu. Due to this step, even the weaker students can understand the basic concepts of the science. It becomes easier to teach the same subject matter in Arabic later on. This is also part of the methodology of the Dīnī Madāris in India and Pakistan. At one point in history, Persian was spoken right upto government level. It was customary for the first book to be taught in Persian. For example, Nahwa Mīr, Mīzān-us-Sarf and 'Ilm-us-Sīgha. Urdu books have now replaced them.

It is a reality that it is not so beneficial to teach these works in Urdu, when it is compared to Arabic. However, looking at the lowering standard in the Madāris and its causes, most scholars are of the view that the first book in the science should be in the mother tongue, so that the student is not burdened with the double task of the subject matter and the language.

With this objective in mind, this booklet on Usūl-ul-Fiqh has been compiled so that it could be taught a few months before Usūl-ush-Shāshī. Usūl-ush-Shāshī can be taught after this. This book will not cover all the Usūl, but it is a selection of important ones. A number of discussions have been left out on purpose. We have sufficed on the necessary subject matter for the beginner student.

In the compilation of this work, I have adopted the method of Musallam-uth-Thubūt instead of Husāmī and Usūl-ush-Shāshī. This method is more natural and can be understood much easier. The examples are mostly those that are mentioned in the syllabus books, so that the students can understand the books that will follow. We have added questions at the end of each section. We hope that these can be done by the students and there will be much more benefit.

I thought of the sequence for this book when I taught Usūl-ush-Shāshī. I wrote some indicative notes on a few pages of the book. I explained these notes over a month and a half. I saw benefit in this and the students also took an interest in it and summarized the lessons. Then, in 1409, a review was done of the syllabus in Dār-ul-'Ulūm Sabīl-us-Salām. The views of the scholars from different parts of the country were taken and in the light of this, it was decided that a short book should be taught before Usūl-ush-Shāshī. My intention took a turn and I compiled a brief and comprehensive book to fulfil the need. Subsequently, a few

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years ago, when travelling to Hijāz, I took my notes along and started work on compiling this book at the house of Zafr-ullāh Khān. I did additions later on.

The manuscript was taught in Jāmi'ah Ayesha Niswān and other institutions so that experience could be gained from teaching it. If there was a need for any addition or alteration, it could be done in this time. I then felt it appropriate if a research scholar studied the work. I sent it to Maulānā Muhammad Burhān-ud-Dīn Sanbhalī to review it and add a foreword. He studied it with full devotion and also wrote a foreword to it. I am very grateful to him. May Allāh ﷻ accept this booklet and make it beneficial and a treasure in the hereafter.

I am also grateful to Maulānā Muhammad Ridwān Qāsimī for arranging publication of the work. He also added value to it by his valuable foreword.

May Allāh ﷻ accept this work and let it be beneficial for its objective.

Khālid Sayf-ullāh Rahmānī

12 Rajab 1417

24 November 1996

Foreword

الحمد لله رب العالمين والصلوة والسلام على رسوله الأمين سيدنا محمد وآله وصحبه أجمعين

It is the belief of Muslims, and the reality is that Islām is the final religion from Allāh ﷻ in which we will find the solution to all issues and problems that will arise until the Day of Qiyāmah. However, a question arises in accepting this belief, which is natural. It is that the laws explained in the Noble Qur'ān and Sunnah are limited, and times change. It is not possible to count or restrict the number of matters and issues that arise. So, how can we know the answers from limited texts to countless issues that arise on a daily basis?

The answer to this question lies in Usūl-ul-Fiqh. This is because in the light of this science, one can search for the answers to countless issues from a limited number of texts. From this, it will not be difficult to gauge and understand the importance and need for Usūl-ul-Fiqh. 'Ulamā' of every era devoted their attention to this science and gave it due importance. The proof of this lies in the hundreds of books that were written in every era. Books in this line continue to be written. In Hindustan, books like Musallam-uth-Thubūt, its commentrary, Nūr-ul-Anwār, and countless other works have been done. This science has been taught in every era in the Dīnī Madāris.

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There is no doubt that this field is very deep and delicate. Due to this, there is a need for intelligence and effort. However, we now find the ability of the students decreasing and they find a double burden to study the books in Arabic. Therefore, the need of the time was understood: these books should be brought into Urdu. This is because the students in this part of the world speak Urdu. I agree with the senior scholars when it comes to learning and teaching the higher levels only the Arabic books. This is beneficial and necessary. However, a difficulty that cannot be done away with today is that the ability in knowledge is decreasing and it is not inappropriate to teach by means of Urdu books. However, a deep and delicate field like *Usūl-ul-Fiqh* cannot be easily brought into Urdu. In fact, it is more difficult than writing a new entire book in certain aspects.

It is a means of happiness and joy that in the booklet before you, the science of *Usūl-ul-Fiqh* has been brought into Urdu by Maulānā Khālid Sayf-ullāh Rahmānī, a high-ranking scholar. He has authored a number of works and is always involved in research and issues related to knowledge. The senior pious scholars look at him with high regard. The books he has penned are not only accepted amongst the masses, but even the scholars have praised them, even with their difference of opinion. Maulānā Khālid Sayf-ullāh has compiled this book for the students of the Arabic Madāris. It will prove to be helpful in learning

and grasping the important discussions. I hope that it will be very beneficial for the students if taught before *Usūl-ush-Shāshī*.

The compiler kept the students of India in mind when working on this book. Therefore, he mentioned those things that are generally found in the books of the syllabus. However, he kept the new demands of education and nurturing in mind and added questions at the end of each section. He has tried to create the habit in the students of learning daily by putting these questions. I saw this work in manuscript form. It encapsulates the initial and important discussion of *Usūl-ul-Fiqh*. I took the courage to write a few words upon his indication. I make Du'ā' that may Allāh ﷻ accept this work and let it prove to fulfil its objective.

Maulānā Muhammad Burhān-ud-Dīn Sanbhalī

26 Rajab 1416

20 December 1995

Foreword

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Allāh ﷻ has revealed His laws in the form of the Noble Qur'ān and Hadīth. Both are in Arabic. Rasūlullāh ﷺ prepared a group of luminaries in the mould of the Qur'ān and Sunnah. They are called the Sahābah رَضِىَ اللّٰهُ عَنْهُمْ. Arabic was the mother tongue of these people. Through the blessings of the company of Rasūlullāh ﷺ, their hearts will completely cleaned and purified. They had nothing to do with desires of the carnal self. Due to their qualities, there was no need for Qawā'id and Dawābit.

After the era of the Sahābah رَضِىَ اللّٰهُ عَنْهُمْ ended, there was a decrease in the level of expertise in Arabic and an increase of desires of the carnal self. Those who followed their desires started to restrict the meanings of the words of the texts and adopted their own ways in explaining and clarifying things away from the clear texts. Due to this, the true 'Ulamā' apprehended that if it is left to what the people felt was correct, then the meanings and objectives of the texts would be interpolated and instead of the people getting justice, they would fall prey to different forms of injustice and oppression. Therefore, Qawā'id and Dawābit must be stipulated, and by means of these, it would be easy

to understand the meaning and purport of the texts. This meaning would also be in accordance to the meaning understood by those who speak the language.

There is a need for two types of Qawā'id. The first type is that laws that must be stipulated and made in order to stipulate a meaning and purport for vague or unclear words. The second type is that if we find the clear texts of the Noble Qur'ān and Hadīth to be silent on certain issues, then the underlying reason behind the law should be taken out and this should then be applied to the law not clearly stated. These Qawā'id and Dawābit are called Usūl-ul-Fiqh.

The Muslims founded many sciences that were not existent before. Similarly, these Qawā'id and Dawābit, called Usūl-ul-Fiqh, is a work of the Muslims. The lawmakers of this age felt a great need for these types of principles. Due to this, in the beginning or end of some lawbooks, some Qawā'id and Dawābit are collected. However, it is difficult to find an example of the foresight and deep thought of the jurists in doing this work. The importance of this work was always in the sights of those learning and teaching in the Dīnī Madāris. Various works on the topic were part of the syllabus, but they are all in Arabic and Persian. In the light of beneficial teaching, it is appropriate to teach the beginning levels in the mother tongue of the students. Maulānā Khālid Sayf-ullāh Rahmānī felt this need and saw the benefit. He compiled Āsān Usūl e Fiqh in Urdu for the students of the

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subcontinent. He tried to keep it brief and he gave due consideration to the Fiqhī and technical limitations. He wrote the work in easy to understand language and all praise is for Allāh, the author has been successful in his endeavor. We make Du'ā' that Allāh ﷻ accepts this work and makes it beneficial for the students. Āmīn

Maulānā Nī'mat-ullāh Azmī
28 Rabī'-uth-Thānī 1420

Foreword

The circle of effort by the 'Ulamā' on Usūl-ul-Fiqh is very broad and wide. The book before you, Āsān Usūl-ul-Fiqh is a beautiful link in this chain. If this book is taught before Usūl-ush-Shāshī, then because it is in Urdu, the student will be able to understand and grasp the principles and laws. Initially, the books in Hindustan were in Arabic and Persian. These were not the mother languages of the students, so the students had quite a burden to deal with. They had to understand the language, and then understand and grasp the science according to their ability. If the books of the first level are taught in Urdu, then this would be a very beneficial exercise in terms of psychology and education.

However, the condition for this is that whichever book is taught in Urdu in the initial stages, it should be in line with the standard and sequence of the books in the syllabus. It is pleasing to note that the book in your hands has passed through the hands of experience and the students have been learning from the manuscript. This manuscript has now taken on the form of a quality publication and is prepared for the students to benefit from. Iqbāl, a person who wanted a new sequence for Islāmic Fiqh, if he had to see the works of Maulānā Khālid Sayf-ullāh Rahmānī, he would have been extremely pleased.

You should be knowing that the author, Maulānā Khālīd Sayf-ullāh Rahmānī, a graduate of Dār-ul-'Ulūm Deoband, and now head teacher of Dār-ul-'Ulūm Sabīl-us-Salām, is a prolific author who guides people. His pen is strong and he has a high level of sincerity in the circles of knowledge. He has a great interest in the Islāmic sciences and Islāmic Fiqh. Together with this, he has mastery over the Urdu language. He writes in an interesting way. This is the reason why, despite his young age, he is amongst the 'Ulamā' whose aroma of knowledge has spread beyond Hindustan. In terms of his ability in knowledge, writing, lecturing and teaching, he has gained a significant amount of acquaintances within the country and beyond. May Allāh ﷻ let this always remain and may He save him from any danger.

The sequence of this work of Maulānā Rahmānī is superb. After an introduction, he has explained the proofs of Sharī'ah, then rules of the Sharī'ah. He then discussed the implications of words and finally, he threw light on the objectives of the laws of Sharī'ah. He has added questions, in line with the psyche of students. He has tried, through these questions, to build flair in the students to link the Fiqhī principles to modern day Fiqhī rulings. A praiseworthy angle of this work is that he has indicated to the Usūl of the other Madhāhib, despite this being a work on the Hanafī Madh-hab. The language is easy. The author has tried to explain the technical terms in an easy to understand way. There is no doubt that this book will prove

to be an excellent work for the Dīnī Madāris in terms of teaching. There is a need for this book to be added to the syllabus of the Dīnī Madāris so that the students can understand the basis and reality of Usūl-ul-Fiqh during the initial stages. After a strong foundation is built, the building itself will be strong. We congratulate Maulānā Khālīd Sayf-ullāh Rahmānī on the completion of this work. May Allāh ﷻ let this work be accepted and beloved in the sight of the Creator and the creation.

Maulānā Muhammad Ridwān Qāsimī

20 Rajab 1417

2 December 1996

You should be knowing that the author, Maulānā Khālīd Sayf-ullāh Rahmānī, a graduate of Dār-ul-'Ulūm Deoband, and now head teacher of Dār-ul-'Ulūm Sabīl-us-Salām, is a prolific author who guides people. His pen is strong and he has a high level of sincerity in the circles of knowledge. He has a great interest in the Islāmic sciences and Islāmic Fiqh. Together with this, he has mastery over the Urdu language. He writes in an interesting way. This is the reason why, despite his young age, he is amongst the 'Ulamā' whose aroma of knowledge has spread beyond Hindustan. In terms of his ability in knowledge, writing, lecturing and teaching, he has gained a significant amount of acquaintances within the country and beyond. May Allāh ﷻ let this always remain and may He save him from any danger.

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Usūl-ul-Fiqh

Usūl-ul-Fiqh are those Qawā'id or principles by means of which we learn the method of drawing the practical Sharī'ah laws from the Shar'ī proofs.

The subject matter of Usūl-ul-Fiqh is the proofs of the Sharī'ah and laws of the Sharī'ah.

The proofs of Sharī'ah are discussed in the way where the detailed laws are drawn from them.

The laws of Sharī'ah are discussed in such a way that they have been drawn from the proofs of the Sharī'ah.

The objective of Usūl-ul-Fiqh is to remain protected from errors in drawing the laws of the Sharī'ah.

Therefore, the discussions in Usūl-ul-Fiqh are divided into four important sections:

1. Proofs of the Sharī'ah
2. Laws of the Sharī'ah
3. Method of drawing from the laws of the Sharī'ah
4. The objectives and expediency in the laws of the Sharī'ah

Proofs of Sharī'ah Dalīl:

Through clear and proper thought over it, a person can reach a ruling.

Shar'ī Ruling:

That which explains the quality or state of the actions of the obligated person, i.e. Fard, Wājib, Mustahab, Harām, Makrūh, Mubāh. For example, we learn the Fard status of Salāh from the verse (أَقِيمُوا الصَّلَاةَ). We understand the Harām status of interest from the verse (حَرَمَ الرِّبَا).

There are two types of proofs in the Sharī'ah. Muttafaq 'Alayh and Mukhtalaf Fīh,

Muttafaq 'Alayh means those proofs of the Sharī'ah that the jurists are unanimous upon.

Mukhtalaf Fīh refers to those proofs wherein there are differences amongst the jurists in them standing as proof or not.

There are four Muttafaq 'Alayh proofs of the Sharī'ah:

1. The Noble Qur'ān
2. The Sunnah of Rasūlullāh ﷺ
3. Ijmā'
4. Qiyās

There are seven forms of Mukhtalaf Fīh proofs of the Sharī'ah:

1. Istihṣān
2. Masālih Mursalah

3. 'Urf
4. Sadd Dharā'i
5. Statement of a Sahābī
6. Sharī'ahs of before
7. Istishāb

Questions

1. What is Dalīl?
2. Define 'ruling of the Sharī'ah'
3. In the following verses, indicate what is the Dalīl and what is the Sharī' ruling: (أحل الله) (كتب عليكم الصيام) (البيع)
4. How many Muttafaq 'Alayh proofs are there and what are they?
5. How many Mukhtalaf Fih proofs are there and what are they?

Muttafaq 'Alayh Proofs The Book of Allāh

1. The Book that was revealed to Muhammad Rasūlullāh ﷺ in Arabic
2. The words and meanings are both from Allāh تبارك وتعالى
3. It has reached us with Tawātur
4. It begins with Sūrah Al-Fātiha and ends at Sūrah An-Nās
5. The name of it is 'Qur'ān Majīd'
6. In Hadīth, the words are those of Rasūlullāh ﷺ, the meanings are from Allāh تبارك وتعالى, hence it is not part of the Qur'ān

7. The translation of the Qur'ān is not revealed from Allāh تبارك وتعالى, that is why it is not the Qur'ān
8. The books of the previous Ambiyā' have not reached us with Tawātur, nor are they in Arabic, that is why they cannot be referred to as the Qur'ān
9. Shādh forms of Qirā'ah have not reached us with Tawātur. Hence, in the Qirā'ah of Sayyidunā 'Abdullāh Ibn Mas'ūd رضى الله عنه (ذو الرحم المحرم) is proven through a Shādh chain. Therefore, it is not referred to as the Noble Qur'ān

Method

The following methods are used in the Qur'ān to request an action to be done:

1. Amr (command), e.g., (إن الله يأمر بالعدل والإحسان وإيتاء) (ذو القربى)
2. A word-form of command, e.g. (وأقيموا الصلوة وآتوا الزكاة)
3. Informing about a certain action being obligatory, e.g. (كتب عليكم القصاص في القتلى)
4. Being answerable for something and information about being taken to task, e.g. (إن العهد كان مسئولاً)
5. Information about a deed being good or pious, e.g. (يسئلونك عن اليتيم قل إصلاح لهم خير)
6. An action is mentioned as a result of some condition (إن) (كان ذو عسرة فنظرة إلى ميسرة)

7. There is a promise of reward or a good for an action, e.g.
(قد أفلح المؤمنون الذين هم في صلاتهم خاشعون)

The Qur'ān adopts the following methods in prohibiting something:

1. The words of Harām, e.g. (حرمت عليكم الميتة)
2. A word of prohibition, e.g. (ينهى عن الفحشاء والمنكر) (والبغى)
3. A word-form of prohibition, e.g. (لا تلقوا بأيديكم إلى) (التهلكة)
4. The command to stay away from a certain action, e.g.
(وذروا ما بقي من الربوا)
5. Negation of permissibility, e.g. (لا يحل لكم أن ترثوا) (النساء كرها)
6. Information about the evil of an action, e.g. (لا يحسن) (الذين ييخلون بما آتاهم الله من فضله هو خيرا لهم بل هو شر لهم)
7. Information about a certain deed not being good or pious, e.g. (ليس البر بان تاتوا البيوت من ظهورها ولكن البر) (من التقى)
8. Warning mentioned with an action, e.g. (ومن يقتل مؤمنا) (متعمدا فجزاء جهنم خلدا فيها)
9. Classifying a certain action as a sin, e.g. (من بدله بعد ما) (سمعه فانما اثمه على الذين يبدلونه)

The Qur'ān adopts the following ways to show that an action is permissible and can be adopted:

1. Stating that it is Halāl, e.g. (وطعام الذين اوتوا الكتب حل) (لكم وطعامكم حل لهم)
2. Sin is negated from it, e.g. (فمن اضطر غير باغ ولا عاد فلا) (ليس عليكم جناح أن تبتغوا فضلا من ربكم) (اثم عليه)
3. Any problem or difficulty is negated, e.g. (ليس على) (الأعمى حرج ولا على الأعرج حرج ولا على المريض حرج)
4. A bounty or benefit is mentioned and this is explained, e.g. (والانعام خلقها لكم فيها دفء ومنافع ومنها تأكلون)
5. The Harām status of something is denied, e.g. (قل من) (حرم زينة الله التي أخرج لعباده والطيبات من الرزق)
6. We are informed that Allāh created something for us, or He subjected it for us, e.g.
(هو الذي خلق لكم ما في الارض جميعا) (وسخر لكم ما في السموت وما في الارض جميعا منه)

In terms of pointing out to its meanings, there are two types:

1. Dalālat Qat'iyyah
2. Dalālat Zaniyyah

Dalālat Qat'iyyah

Where there is only one stipulated meaning, there is no possibility of another meaning, e.g.

(الزانية والزاني فاجلدوا كل واحد منهما مائة جلدة) (يوصيكم الله في أولادكم للذكر مثل حظ الأنثيين)

The first verse clearly shows that an adulterer must be punished with a hundred lashes and the second verse shows that the share of a woman is half that of a man.

Dalālat Zaniyyah

Where the words have a possibility of more than one meaning, e.g. (يتربصن بانفسهن ثلاثة قروء). Quru' can refer to Haydh as well as Tuhr. Alternatively, (وامسحوا برؤوسكم), the baa can refer to some part, meaning that one should make Masah of a part of the head. It could be for explanation, or it could be an extra letter. In this case, it could mean that one should make Masah of the entire head. Therefore, one of the meanings could be Zanni, not Qat'i.

Sunnah

The word, action, or approval of Rasūlullāh ﷺ is called Hadīth or Sunnah.

Qawl refers to the words and advises of Rasūlullāh ﷺ, e.g. (انما الأعمال بالنيات)

Action refers to the deeds and practices of Rasūlullāh ﷺ, e.g. (كان النبي صلى الله عليه وسلم يغدو إلى المصلى والعنزة بين يديه) (تحمّل وتنصب بالمصلى بين يديه فيصل إلى إليها)

Approval means something was done in front of Rasūlullāh ﷺ, or something was said in front of him, or the action of someone was mentioned in front of him, and he did not refute it. For example, (احتلمت في ليلة باردة وأنا في غزوة ذات السلاسل فاشفقت إن اغتسلت أن أهلك فتيممت ثم صليت بأصحابي) (ثم أخبرت النبي فضحك ولم يقل شيئاً)

Standing as Proof

The scholars and Mujtahids are unanimous that Hadīth stands as a proof and a Dalīl in the Sharī'ah. Study the following,

1. Allāh ﷻ gave a separate command to obey Rasūlullāh ﷺ, e.g. (وأطيعوا الله وأطيعوا الرسول واحذروا). The obedience to the Rasūl has been declared obedience to Allāh ﷻ (من يطع الرسول فقد أطاع الله) ﷻ.
2. The responsibility of Rasūlullāh ﷺ is not only to convey the Noble Qur'ān, but also to clarify and explain it. Allāh ﷻ says (وأنزلنا إليك الذكر لتبين للناس). We learn the clarification and explanation of Rasūlullāh ﷺ from the Hadīth.
3. The statements and actions of Rasūlullāh ﷺ has been classified an example of practice and worthy of being followed for the entire humanity. Allāh ﷻ says, (لقد كان لكم في رسول الله أسوة حسنة)

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4. Whatever Rasūlullāh ﷺ taught the Ummah, whether it is in the form of the Qur'ān, or anything else, Allāh ﷻ gave the command that it should all be accepted. Whatever he forbade from, whether it was through the Qur'ān or Hadīth, we have been instructed to refrain from it, (ما آتاكم الرسول فخذوه وما نهاكم عنه فانتهوا)
5. One important thing in the Qur'ān is that whatever Rasūlullāh ﷺ said, it is all from Allāh ﷻ. Rasūlullāh ﷺ does not say anything from his own side. (ان هو إلا وحي يوحى)
6. The Sahābah رضى الله تعالى عنهم and the jurists are unanimous that it is Wājib to follow the Sunnah. Therefore, denial of Hadīth as proof is deviation. Rasūlullāh ﷺ criticised such people. Rasūlullāh ﷺ said, (يؤشك رجل منكم متكئا على أريكته يحدث بحديث من حديثي فيقول بيننا وبينكم كتاب الله فما وجدنا فيه من حلال استحللناه وما وجدنا فيه من حرام استحرمناه الا وان ما حرمة رسول الله مثل ما حرمة الله. ابن ماجه)

Types of Sunnah

In terms of the number of narrators, Hadīth are of three types:

1. Mutawātir
2. Mash-hūr
3. Khabar Wāhid

Mutawātir

That Hadīth which has been narrated from the time of the Sahābah رضى الله تعالى عنهم until today by such a large group that generally it is impossible for all of them to agree on a lie.

There are two types of Tawātur:

1. Tawātur Lafzī
2. Tawātur Ma'nawī

Tawātur Lafzī

The Matn of a Hadīth is narrated by such a large group that it is generally impossible for them to agree on a lie. For example, the Hadīth, "He who willfully attributes a lie to me, he should build his abode in the fire" (Ibn Mājah) has been narrated from ninety-eight Sahābah رضى الله تعالى عنهم. Or, the narrations of Masah on the Khuffayn, with reference from Imām Ahmad رحمه الله تعالى, forty Sahābah رضى الله تعالى عنهم narrated it.

Tawātur Ma'nawī

That narration, where despite a difference in wording, the subject matter has been narrated from the time of the Sahābah رضى الله تعالى عنهم by such a large number of people that it is apparently impossible for them to agree upon a lie. For example, the chain of Nubuwwah ending at Rasūlullāh ﷺ, the descent of Sayyidunā 'Īsā عليه السلام close to Qiyāmah, Miswāk being a liked action. There are many Mutawātir Ahādīth of this type.

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The Mutawātir Ahādīth are Qat'ī-uth-Thubūt, they give the benefit of 'Ilm-ul-Yaqīn. The person who denies laws proven from Tawātur, without any appropriate interpretation, will become a disbeliever.

Mash-hūr

A Hadīth that has been narrated by one or two people in the time of the Sahābah رضي الله تعالى عنهم. However, in the time of the Tābi'īn, it has been narrated by such a large group, that it could be impossible for them all to agree upon a lie. For example, "Actions are judged according to their intentions." The only narrator of this is Sayyidunā 'Umar رضي الله تعالى عنه. 'Alqamah رضي الله تعالى عنه is the only narrator from Sayyidunā 'Umar رضي الله تعالى عنه, but there are many narrators from 'Alqamah رضي الله تعالى عنه, to the extent that even the four Mujtahid Imāms narrated it.

Ruling of Mash-hūr

A Hadīth Mash-hūr will give the benefit of satisfactory knowledge, i.e. the heart will be satisfied that it is correct. However, there is no conviction that it is Sahīh. By means of Hadīth Mash-hūr, the general purport of the Qur'ān can be made specific, and a condition could be stipulated for something open and general. For example, the Qur'ān says that a general Wasiyyat is correct (من بعد وصية يوصي بها أو دين), but the Hadīth has stipulated the maximum amount

for Wasiyyat to a third. Rasūlullāh ﷺ said, "A third, and a third is a significant amount."

Similarly, there is a general purport in the command of inheritance, that there is inheritance for all the children (يوصيكم الله في أولادكم). However, the Hadīth specifies this, saying that if the child is the killer of the father, then he will not inherit. "A killer will not inherit." (Tirmidhī, Hadīth 2109)

Khabar Wāhid

A Hadīth not narrated by so many people in each time, where it is impossible for them to agree on a lie. Most Ahādīth are of this type. For example, Rasūlullāh ﷺ said, "None of you can be a complete believer until he loves for his brother what he loves for himself." (Bukhārī, Hadīth 13)

Ruling

If the subject matter of the Hadīth is proven, then it will be Wājib to practice accordingly, i.e. if the compulsion of something is proven, then it will be Wājib. If something is proven preferable, then it will be necessary to accept it as Mustahab. However, it does not give the benefit of definite knowledge.

Beliefs can be established from Khabar Wāhid, but the denier of laws of belief cannot be excommunicated from the fold of Islām.

The Mutawātir Ahādīth are Qat'i-uth-Thubūt, they give the benefit of 'Ilm-ul-Yaqīn. The person who denies laws proven from Tawātur, without any appropriate interpretation, will become a disbeliever.

Mash-hūr

A Hadīth that has been narrated by one or two people in the time of the Sahābah رضي الله عنهم. However, in the time of the Tābi'īn, it has been narrated by such a large group, that it could be impossible for them all to agree upon a lie. For example, "Actions are judged according to their intentions." The only narrator of this is Sayyidunā 'Umar رضي الله عنه. 'Alqamah رضي الله عنه is the only narrator from Sayyidunā 'Umar رضي الله عنه, but there are many narrators from 'Alqamah رضي الله عنه, to the extent that even the four Mujtahid Imāms narrated it.

Ruling of Mash-hūr

A Hadīth Mash-hūr will give the benefit of satisfactory knowledge, i.e. the heart will be satisfied that it is correct. However, there is no conviction that it is Sahīh. By means of Hadīth Mash-hūr, the general purport of the Qur'ān can be made specific, and a condition could be stipulated for something open and general. For example, the Qur'ān says that a general Wasiyyat is correct (من بعد وصية يوصي بها أو دين), but the Hadīth has stipulated the maximum amount

for Wasiyyat to a third. Rasūlullāh ﷺ said, "A third, and a third is a significant amount."

Similarly, there is a general purport in the command of inheritance, that there is inheritance for all the children (يوصيكم الله في أولادكم). However, the Hadīth specifies this, saying that if the child is the killer of the father, then he will not inherit. "A killer will not inherit." (Tirmidhī, Hadīth 2109)

Khabar Wāhid

A Hadīth not narrated by so many people in each time, where it is impossible for them to agree on a lie. Most Ahādīth are of this type. For example, Rasūlullāh ﷺ said, "None of you can be a complete believer until he loves for his brother what he loves for himself." (Bukhārī, Hadīth 13)

Ruling

If the subject matter of the Hadīth is proven, then it will be Wājib to practice accordingly, i.e. if the compulsion of something is proven, then it will be Wājib. If something is proven preferable, then it will be necessary to accept it as Mustahab. However, it does not give the benefit of definite knowledge.

Beliefs can be established from Khabar Wāhid, but the denier of laws of belief cannot be excommunicated from the fold of Islām.

Important Books on Ahādīth Al-Ahkām

There are a number of books that have gathered the Ahādīth dealing with laws. A few important ones are:

1. 'Umdat-ul-Ahkām min Sayyid Al-Anām by 'Abdul Ghani Maqdisi
2. Al-Ihkām li Ahādīth Al-Ahkām by Ibn Daqīq Al-'Id
3. Al-Muntaqā fil Ahkām by 'Abdus Salām Ibn 'Abdullāh Ibn Taymiyyah
4. Bulūgh Al-Marām by Ibn Hajar 'Asqalānī
5. Āthār-us-Sunan by Zahīr Ahsan Shauqnīmawī
6. 'Ilā-us-Sunan by Maulānā Zafar Ahmad 'Uthmānī
7. Ma'rifat-us-Sunan wal Āthār by Maulānā Amīn-ul-Ihsān Mujaddidī

Besides these works, the collections called 'Sunan' also have the Ahādīth of laws at the forefront of the work.

Questions

1. What is Sunnah?
2. If a narrator says that he performed Wudū' in front of Rasūlullāh, will this be 'qawl', 'fi'l', or 'taqrīr'?
3. What is the proof that Hadīth is proof?
4. What is the difference between Tawātur Lafzī and Tawātur Ma'nawī?

5. Is the five times Salāh proven from Hadīth Mutawātir or not. If it is, then from which type of Tawātur?
6. What is the difference between Hadīth Mash-hūr and Mutawātir?
7. What is Khabar Wāhid?
8. What are the rulings of Khabar Wāhid, Khabar Mash-hūr and Mutawātir?

Ijmā'

After the demise of Rasūlullāh, if the Mujtahid scholars of any time of the Ummah agree upon a ruling of the Sharī'ah, it will be called Ijmā'.

We learn:

1. The Ijmā' of the Ummah during the life of Rasūlullāh is not considered
2. The agreement of the general Muslims of any era is not Ijmā'
3. The view of most Mujtahidīn is not called Ijmā'
4. If there is agreement on some lexical or logical aspect, then it is not Ijmā'

There are two types of Ijmā':

1. Ijmā' Qawlī
2. Ijmā' Sukūtī

Ijmā' Qawlī is where all the Mujtahidīn clearly agree upon a view, e.g. the Sahābah agree upon the issue that a grandmother will inherit a sixth.

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Ijmā' Sukūtī is where some of the Mujtahidīn mention their view regarding a certain matter and others remain silent. Sayyidunā 'Umar رضي الله عنه stipulated the punishment upon a woman. Sayyidunā Mu'ādh رضي الله عنه refuted this and said, "You have the right to punish this woman, but the unborn child, what right do you have to punish it?" The rest of the Sahābah رضي الله عنهم were silent and Sayyidunā 'Umar رضي الله عنه retracted (Musannaf 'Abdur Razzāq, Narration 13454).

The condition for Ijmā' Sukūtī to be considered is:

1. The view of this Mujtahid has reached all the people of knowledge
2. After the view was mentioned, so much time passed that was sufficient for the scholars to think over it
3. The matter is Ijtihādī. If a Mujtahid issues fatwā against a clear text and other people remain silent over it, then this is not proof that they agree. It will be a sign that this is not worthy of giving any attention to it.

Dalīl of its standing as Proof

Allāh تعالى says,

وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ سَبِيلِ
الْمُؤْمِنِينَ تُولَٰهُ مَا تَوَلَّىٰ وَنُصْلِهِ جَهَنَّمَ ۖ وَسَاءَتْ مَصِيرًا

Ijmā' is the way of the believers and turning away from it is following the ways of others.

Rasūlullāh ﷺ said, "Indeed my Ummah will never agree upon misguidance."

There are other narrations from which we learn that the Ummah of Muhammad ﷺ will not agree upon misguidance.

Sanad of Ijmā'

Ijmā' is always based upon a Shar'ī proof. This is called Sanad of Ijmā'.

There are four:

1. The Noble Qur'ān
2. Sunnah of Rasūlullāh ﷺ
3. Qiyās
4. Maslaha (expediency)

An example of Ijmā', where the Sanad is the Noble Qur'ān is the prohibition of marrying the grandmother. The basis of it is verse 23 of Sūrah Nisā'. The mother comes from the grandmother.

An example of Hadīth being Sanad of Ijmā' is the ruling which states that it is not permitted to have two Mahram women in one's Nikāh at the same time. This is on account of the Hadīth of Musannaf 'Abdur Razzāq

(لا تنكح المرأة بنت أختها ولا تنكح المرأة على عمتها ولا تنكح المرأة
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An example of Ijmā' based on expediency is where the Sahābah رضي الله عنهم agreed upon the collection of the Noble Qur'ān. Similarly, during the time of Sayyidunā 'Uthmān رضي الله عنه, they agreed that the Qur'ān will be written in the Qurayshi dialect so that the dialects of the different tribes does not become a means of difference in the Ummah.

Books on Rulings Established through Ijmā'

There are books written on the different views of the Fuqahā', and the rulings based on Ijmā' have also been included in them. However, some books have been specifically compiled on the rulings established through Ijmā'. 'Allāmah Abū Bakr Ibn Mundhir Naysāpūrī (318 A.H) wrote Kitāb-ul-Ijmā' and Dr. Sa'dī Abū Habīb, a contemporary scholar, has written Mausū'ah Al-Ijmā'.

Questions

1. Define Ijmā' and show two rulings that the Ummah has Ijmā' upon

2. What are the types of Ijmā'?
3. What is the proof that Ijmā' stands as proof?
4. What are the conditions for Ijmā' Sukūtī for it to be considered valid?
5. What are the Sanads of Ijmā'?
6. Explain examples of Maslahat being a Sanad of Ijmā'
7. Write the names of the books authored on Ijmā'i rulings

Qiyās

Qiyās refers to applying the ruling of the Asl (that which is clearly stated in the texts) upon the Far' (that which is not clearly mentioned in a text) based on sharing the 'illat. In this way, there are four fundamentals of Qiyās:

1. Asl
2. Far'
3. Hukm
4. 'Illat

Asl means that particular issue that has clearly been mentioned in the Qur'ān and Sunnah. Alternatively, it has been proven through Ijmā'. It is also called the Maqīs 'Alayh, i.e. Harām, Permitted etc.

Far' refers to that issue which the texts do not clearly mention. However, the ruling of the Mansūs issue has been applied to it. The other name for it is Maqīs.

Hukm is the quality of the action that is clearly mentioned in the texts and it is transferred to the Ghayr Mansūs issue.

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'Illat is the specific reason or cause due to which a ruling has been placed in the Asl and then it is carried on into the Furū' (plural of Far').

For example, the Noble Qur'ān states that Khamr (liquor made from grapes) is Harām. Qiyās is made of this and is applied to liquor made from dates. Therefore, Khamr is the Maqīs 'Alayh. Liquor from dates is the Maqīs. Harām is the ruling, and being an intoxicant is the 'Illat. This 'Illat is found in both forms of liquor.

Similarly, the Noble Qur'ān states that the milk of a woman is permitted for a suckling child. The 'Illat is to save the life of the newborn child. This is because man will survive on provision and sustenance. Sometimes, in order to save the life of a person it becomes necessary to do a blood transfusion. Therefore, in making Qiyās on the milk issue, it becomes permissible to do a blood transfusion because just as milk is part of man, in the same way, blood is also part of man. The milk is the Maqīs 'Alayh, the blood is the Maqīs, permitted is the ruling and saving life is the 'Illat.

Standing as Proof

The four Mujtahid Imāms and most jurists agree that Qiyās stands as proof. This is because,

1. Allāh ﷻ says, "So, ponder, O people of foresight." (Sūrah Hashr). Most 'Ulamā say that 'Itibār in this verse refers to Qiyās.

2. Sayyidunā Mu'adh ﷺ narrates, 'I shall strive using my opinion.' (Musnad Ahmad)

3. A woman from the tribe of Khath'am asked Rasūlullāh ﷺ, "My father has passed away. Hajj was obligatory upon him. Can I perform Hajj on his behalf?" Rasūlullāh ﷺ said, "If he had debts, would you have paid them?" She replied in the affirmative. "Then perform Hajj on his behalf." (Bukhārī, Hadīth 4138)

In this incident, Rasūlullāh ﷺ made Qiyās of a right of Allāh upon the right of a person.

4. عن عمر رضي الله عنه قال : سمعت اليوم يا رسول الله أمرا عظيما قبلت وأنا صائم ، فقال رسول الله صلى الله عليه وسلم : أرايت لو مضمضت من الماء وأنت صائم؟ فقال : لا بأس . أبو داود

5. During the time of Sayyidunā 'Umar ﷺ, a woman killed her stepson. Another person helped in the crime. The matter was brought to court. Sayyidunā 'Umar ﷺ thought over the matter that in this case, two people will be killed in exchange of one person. Sayyidunā 'Alī ﷺ said, "If two people take part in stealing a camel, will the hands of both of them get cut?" Sayyidunā 'Umar ﷺ said, "Yes." Sayyidunā 'Alī ﷺ said, "In the same way, both will be killed."

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happy for our worldly matters with the person that Rasūlullāh ﷺ was pleased with for our Dīnī matters. Therefore, we put Abū Bakr ahead of us.” (Tabaqāt Ibn Sa’d vol.3 p.183)

From this, we learn that the Sahābah رَضِيَ اللَّهُ عَنْهُمْ also held the view of Qiyās and they would give the ruling of a matter not clearly mentioned in the texts based on rulings that were clearly stated.

Questions

1. What is Qiyās?
2. What are the fundamentals of Qiyās?
3. Zakāt is a form of worship. Therefore, it is not compulsory in the wealth of an immature child, just as an immature child is not obligated to perform Salāh. In this example, show the Maqīs ‘Alayh, Maqīs, Hukm and ‘Illat
4. What are the proofs that show Qiyās in its standing as proof?

Conditions of Qiyās

There are eight conditions for Qiyās. Three are linked to the Asl, two are linked to the Far’ and three are linked to the ‘Illat.

Conditions Linked to the Asl

1. The ruling of the Maqīs ‘Alayh is not specific with it. If the ruling of the Maqīs ‘Alayh is specific with it, then

Qiyās of something else cannot be made on it. For example, Tahajjud Salāh was Fard upon Rasūlullāh ﷺ. However, the Noble Qur’ān made it specific with him ﷺ. Therefore, Tahajjud cannot be classified Fard upon anyone else. Similarly, the Noble Qur’ān made the required testimony that of two males, or one male and two females. However, Rasūlullāh ﷺ classified the testimony of Sayyidunā Khuzaymah رَضِيَ اللَّهُ عَنْهُ as equal to that of two people. This was specific with him. Now, no matter how pious a person becomes, Qiyās cannot be made on him. Therefore, the testimony of anyone else cannot equal that of two people.

2. The ruling of the Maqīs ‘Alayh cannot be against Qiyās. If there is no opinion or intelligence that played a role in the ruling of the Maqīs ‘Alayh, then it will not be correct to make Qiyās of something else on it. For example, the number of Rak’āts in Salāh, the Nisāb of Zakāt and so on. These rulings deal with worship. Qiyās has nothing to do with them. Therefore, Qiyās of something else cannot be made on them.
3. The ruling of the Maqīs ‘Alayh is before the Maqīs in terms of time. If the Shari’ah has given the ruling of something, it will not be correct to make Qiyās of a ruling later on, on it. For example, the ruling of Wudū’ was first, then Tayammum. In Tayammum, it is necessary to make an intention, by consensus. This is because whatever has been made the Maqīs ‘Alayh, it is

later on in terms of the ruling being revealed, and the ruling of Wudū' was first.

Conditions Linked to the Far'

1. There must not be any clear text or Ijmā' regarding the Maqīs.
2. If there is a clear text or Ijmā' regarding the Maqīs which demands that the ruling here be against Qiyās, then in such a case, it will not be correct to make Qiyās upon something clearly stated in the texts or an Ijmā' ruling. For example, the Qur'ān states that a Muslim slave must be freed in recompense of killing. Similarly, for the recompense of a broken oath, the Qur'ān states that a slave must be freed. The demand of Qiyās is that the recompense for the broken oath should be made Qiyās of upon the recompense for killing and the ruling of freeing a Muslim slave should be given. However, the recompense of a broken oath is clearly mentioned in the texts and the ruling is that a slave should be freed without specification. This could be a believer or a non-believer. Therefore, one cannot use Qiyās here. Alternatively, it is permissible to leave out fasting whilst on journey. However, one cannot leave out Salāh. There is Ijmā' upon this. Therefore, one cannot make Qiyās of Salāh upon fasting during journey, as that which is being made the Maqīs is a ruling itself that is based on Ijmā'.

3. The level at which the 'Illat is found in the Maqīs 'Alayh, it should be found in the Maqīs to a higher degree or at least to the same degree. For example, a mature girl has the right regarding herself just as she has over her wealth, as they are equal. Alternatively, in killing, Qisās is necessary. Similarly, Qisās is necessary in the case of cutting the limb of someone. This is because the 'Illat that is found of the action committed in killing, it is also found in the case of cutting the limb of someone.

Conditions Linked to the 'Illat

1. Such a quality that is linked to the ruling, i.e. a Shar'i expediency is perfected through it, or a person is protected from some harm. For example, the Noble Qur'ān classifies Khamr as Harām. Intoxication is such a quality that is appropriate with the ruling of Harām, just because it flows is not such a quality that one can use as a basis for applying the ruling of Harām.
2. That particular quality is apparent and felt. For example, in order for dealings to take place, the 'Illat is that the ījāb and qubūl must be found. This is a quality that is clear and felt. The happiness of both parties cannot be made the 'Illat of a dealing to occur as this is something hidden.
3. The quality should be stipulated. It should not change in terms of individuals or conditions. For example, for Qasr Salāh, the condition is journey. This is because

later on in terms of the ruling being revealed, and the ruling of Wudū' was first.

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3. The quality should be stipulated. It should not change in terms of individuals or conditions. For example, for Qasr Salāh, the condition is journey. This is because

journey is a quality that can be stipulated. Difficulty cannot be made the 'Illat because there is no amount or limit of difficulty that can be stipulated. This will change from person to person in different conditions.

Masālik-e-'Illat

The 'Illat that we come to know of from a ruling that is clearly mentioned, the avenues of learning it are called the Masālik-e-'Illat. There are three. Nass (clear text), Ijmā' and Ijtihād.

Drawing the 'Illat from the Text

In the Nass, the 'Illat of the ruling is sometimes clearly mentioned. For example, Rasūlullāh ﷺ said about the leftover water of a cat, "It is not impure; these animals come in and out amongst you." (Tirmidhī, Hadīth 92)

In this case, the 'Illat of leniency in this ruling is coming in and out. The jurists have used this as a basis for the ruling of insects, mice etc.

'Chop the hand of the male and female that steals' (Sūrah Mā'idah, 38)

In this verse, although it is not clearly mentioned that the hand will be chopped because of stealing, but the ruling of chopping the hand of the male or female thief clearly indicates towards it.

Drawing the 'Illat from Ijmā'

There is Ijmā' that the 'Illat of authority over wealth is 'immaturity'. A guardian cannot utilize the wealth of a mature person without permission. One can make Qiyās of Nikāh upon this point, that the Nikāh of a mature person cannot be done by the guardian without permission, and the guardianship over a girl will not remain when she becomes mature. Similarly, there is Ijmā' that if the husband is impotent, and the wife did not know about it from before, then the marriage can be annulled by the judge. In making Qiyās upon this, the woman will also have the right to get her Nikāh annulled due to those illnesses that are a barrier in the happy life of the spouses, like the husband becoming insane, leprosy, and so on. This is because the 'Illat is the absence of staying in a good way with one another.

Drawing the 'Illat from Ijtihād

Sometimes the 'Illat is stipulated by the Mujtahid and through Ijtihād. For example, Rasūlullāh ﷺ classified interest in gold, silver, wheat, dates and salt as Harām. Based on this, the Ahnāf used 'Ittihād-e-Jins' and 'Ittihād-e-Qadr' as the 'Illat. Some scholars used the 'market value status', 'edible nature', and some others used 'its ability to be stored' as the 'Illat. In whichever wealth this 'Illat is found, interest in it will be Harām. In this case, the jurists

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Questions

1. How many conditions of Qiyās are there?
2. Correct what is incorrect: there are five conditions related to Maqīs 'Alayh, thirteen related to 'Illat and two related to Maqīs
3. What are the conditions related to Maqīs 'Alayh?
4. Which laws are Ta'abbudī, where no Qiyās can be made on them?
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7. What is Masālik 'Illat? What are they?
8. Explain the examples of acquiring the 'Illat from Ijmā'

Istihsān

Istihsān means leaving out Qiyās due to some strong proof. In terms of the strong proof due to which the Qiyās is left out, there are six types of Istihsān. Istihsān-bin-Nass, Istihsān-bil-Ijmā', Istihsān-bil-'Urf, Istihsān-bid-Darūrah, Istihsān-bil-Maslaha, Istihsān-bil-Qiyās Al-Khafī.

Istihsān-bin-Nass

Istihsān-bin-Nass means a case where Qiyās is left out due to Nass. For example, Rasūlullāh ﷺ forbade the selling of something absent. The demand of this is that Bay' Salam (forward buying) should not be permissible. This is the demand of Qiyās. However, Rasūlullāh ﷺ said,

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Sometimes Qiyās is left out because of 'Urf or habit. For example, in a case of rental, it is necessary to stipulate the profit amount. The demand of this is that the rental of a public bathroom not be permitted, as the amount of water is not stipulated, nor the period of staying there. However, based on 'Urf, it is declared permissible. Rasūlullāh ﷺ forbade from stipulating conditions in trade. (Tabrānī in Al-Ausat, Hadith 43611)

Therefore, a condition can be classified as something that will invalidate the transaction where there is benefit in it for either the seller or the buyer. However, if a certain condition becomes common, then it will be excluded. For example, nowadays, if a machine is bought, then the seller puts the condition that there will be a guarantee for a year. This is permissible and is part of Istihsān-bil-'Urf.

Istihsān-bid-Darūrah

If there is great difficulty created in practicing upon Qiyās then in this case, Qiyās can be left out. This is called Istihsān-bid-Darūrah. For example, the demand of Qiyās is that a well does not become pure until the impure water is

taken out and the walls of the well are washed. However, there is great difficulty in this. Therefore, it is stipulated that taking out the well water is sufficient for the water to become pure. Similarly, during 'iddat, it is not permissible for a woman to leave the home. However, if the husband did not leave maintenance for the 'iddat period and there is no other way for the woman to maintain herself, then it will be permitted for her to leave the home to earn. Alternatively, it is compulsory to cover the Satr. However, permission has been given to open the Satr for treatment purposes according to necessity.

Istihsān-bil-Maslaha

Istihsān-bil-Maslaha means that Qiyās is left out for the sake of some Maslaha, i.e. expediency. For example, the demand of Qiyās is that an item is destroyed by the manufacturer, and he is not responsible. This is because he is trustworthy and whatever is destroyed by him without his shortcoming, he should not be made responsible. However, the fear is that by giving this consideration, the people of evil intentions in this time will become bold and they will spoil the rights of the people. Therefore, according to the demand of expediency, the manufacturer has been made responsible to pay for the damaged item. In the present times, the hopefuls in an election have been given permission, whereas the demand of Qiyās is that it should not be permissible. This is because Rasūlullāh ﷺ

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Istihsān-bil-Qiyās Al-Khafī

Istihsān-bil-Qiyās Al-Khafī means that the Qiyās is less clear than a clear form of Qiyās. However, it will be left out for a strong Qiyās, like the case of the leftover water of a lion and other predators being impure. Apparently, the demand of Qiyās is that the leftover water of a falcon and similar birds be impure as they are also predators, but Qiyās Al-Khafī is that because they drink water using the beak, and the beak is like a bone, the saliva of these animals do not reach the water, like the other animals. Therefore, their leftover water should be pure. Subsequently, this Qiyās Al-Khafī was accepted. Alternatively, if someone has to urinate on the ground and the ground dries, then it will become pure. The demand of apparent Qiyās is that purity should not be acquired simply through the land drying, until the impurity is not washed away. However, Qiyās Al-Khafī is that Allāh ﷻ has given the land a great ability to absorb and take in the dirt. Therefore, it causes the impurity to go away, becoming pure. Hence, the land will be taken as pure once the land dries.

Questions

1. What is Istihsān and what are its types?
2. For rental to be permitted in a public bathroom, what type of Istihsān was used?
3. The demand of honour for the human body is that organ transplant not be permitted, but many 'Ulamā' of this time view its permissibility, what type of Istihsān was used for this?

Masālih Al-Mursala

This refers to the forms of expediency that is in accordance to the general nature of the Sharī'ah. However, this is not mentioned in the Nass, whether it will be considered or not. For example, for coins to be used as currency, a jail, a system of registering the sale of land, the principles of traffic control, implementation of defence tax etc.

According to the Mālikiyyah, Masālih Al-Mursala is a separate proof of the Sharī'ah. According to the Hanafiyyah, such forms of expediency will be practiced upon with a number of conditions:

1. The expediency must be understood and logical, that which a sound temperament accepts
2. That expediency is found in practice, it is not something imaginary
3. The expediency is general, it does not consider a specific person

forbade seeking position, and this is also a form of seeking position. However, in the current circumstances, if Muslims do not become hopefuls of winning, then the Muslims will have no representation amongst the lawmakers. Due to this, there will be great harm for the religion. Based on this expediency, permission has been given for this, going against Qiyās.

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3. The demand of honour for the human body is that organ transplant not be permitted, but many 'Ulamā' of this time view its permissibility, what type of Istihsān was used for this?

Masālih Al-Mursala

This refers to the forms of expediency that is in accordance to the general nature of the Sharī'ah. However, this is not mentioned in the Nass, whether it will be considered or not. For example, for coins to be used as currency, a jail, a system of registering the sale of land, the principles of traffic control, implementation of defence tax etc.

According to the Mālikiyyah, Masālih Al-Mursala is a separate proof of the Sharī'ah. According to the Hanafiyyah, such forms of expediency will be practiced upon with a number of conditions:

1. The expediency must be understood and logical, that which a sound temperament accepts
2. That expediency is found in practice, it is not something imaginary
3. The expediency is general, it does not consider a specific person

4. The Shar'iah does not clearly state that it is accepted, nor is it stated that it cannot be considered. In comparison to Masalih Al-Mursala, there are some forms of expediency that the Qur'an and Hadith clearly state that they are considered. These are called Masalih Mu'tabarah. For example, Rasūlullāh ﷺ speaks about the expediency of Nikāh, "It is a means of lowering the gaze and best for the private parts." (Musnad Ahmad Hadith 4023)

Bearing this expediency in mind, the jurists have written the ruling of Nikāh during the different conditions of people.

In the same way, there are some forms of expediency that the Qur'an and Hadith clearly state that they are not worthy of consideration. For example, there are some benefits in wine, but Allāh ﷻ says that it is haram is more than the benefit. By this, He has indicated that this expediency is not worthy of consideration. This is called Masalih Mulaigh-ghaib. This is a consideration given to it.

The way of the masses is a certain action or statement called 'urf. 'Urf has a great role to play in determining the ruling and many rulings are dependent on it.

Types of 'Urf

There are basically two types of 'Urf

1. 'Urf Qawli
2. 'Urf Fi'i

The method of speech and expression of the general people is called 'Urf Qawli. For example, whether the word 'Lahiri' should be used to refer to fish or not. Alternatively, to take the meaning of divorce from the word 'Harām' alternatively, in the present time, to take the meaning of 'till-e-lin' to refer to the person who is properly having in the classroom.

The method of people adopted in deed is referred to as 'Urf Fi'i. For example, in a certain area, a certain amount of duty is given immediately, or a guarantee is given with the use of machinery, for a certain amount of time.

1. 'Urf Qawli
2. 'Urf Fi'i

The way of the general people in different areas is called 'Urf. For example, 'Urf Qawli' or 'Urf Fi'i given for various reasons and circumstances.

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In the same way, there are some forms of expediency that the Qur'ān and Hadīth clearly state that they are not worthy of consideration. For example, there are some benefits in wine, but Allāh ﷻ says that the harm is more than the benefit. By this, He has indicated that this expediency is not worthy of consideration. This is called Masālih Mulagh-ghāt. There is no consideration given to it.

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The way of the masses in a certain action or statement is called 'Urf. 'Urf has a great role to play in stipulating the Shar'ī ruling and many rulings are stipulated and given consideration due to 'Urf.

Types of 'Urf

There are basically two types of 'Urf

1. 'Urf Qawlī
2. 'Urf Fi'lī

The method of speech and expression of the general people is called 'Urf Qawlī. For example, whether the word 'Lahm' should be used to refer to fish or not. Alternatively, to take the meaning of divorce from the word 'Harām'. Alternatively, in the present time, to take the meaning of 'Tālib-e-'Ilm' to refer to the person who is properly learning in the classroom.

The method of people adopted in deed is referred to as 'Urf Fi'lī. For example, in a certain area, a certain amount of dowry is given immediately, or a guarantee is given with the sale of machinery, for a certain amount of time.

In terms of its broad nature, 'Urf is of two types.

1. 'Urf 'Ām
2. 'Urf Khās

The way of the general people in different areas is called 'Urf 'Ām, for example, Istisnā', or the fee given for homes and shops in some big cities.

The way of a certain specific area or class of people is called 'Urf Khās. For example, the 'Urf of the people of Iraq is that

horses are called Dābbah. Alternatively, in the Haramayn Sharīfayn, the 'Urf nowadays is that bread is given free with the purchase of gravy; no matter how much bread a person eats.

There are two types of 'Urf in terms of it being considered or not considered:

1. 'Urf Sahīh
2. 'Urf Fāsid

'Urf Sahīh

The way and method of people that does not clash with Nass or Ijmā'. For example, to give a certain amount of deposit in an Istisnā' transaction, in some Arab areas, the woman is permitted to go to the home of the husband when a certain amount of the Mahr is given.

'Urf Fāsid

The ways of the people where Halāl is made Harām, or the other way around. For example, putting a fixed deposit in the bank, mixed gatherings etc.

Consideration is given to 'Urf Sahīh, not 'Urf Fāsid.

Conditions for 'Urf to be considered

There are four conditions for 'Urf to be considered:

1. No Nass should be rendered void by practicing on 'Urf. For example, the prohibition of drinking or women travelling

alone. These things are clearly against Nass. Therefore, they can never be permitted due to 'Urf or custom.

2. 'Urf should not be against that which is clearly stated. For example, the 'Urf in buying certain things is that whatever is the cost of delivery, it will be on the seller. Now, at the time of sale, the seller went against this, then this 'Urf will not be considered and the seller will not be obligated to bear the expense of delivery.
3. The 'Urf must be prevalent at the time of the sale. For example, some items are sold on terms. However, when the deal was decided, this was not in vogue. Later on, the form of selling on terms came about. So now, the 'Urf of paying on terms will not be considered in this matter.
4. The 'Urf must be in vogue, i.e. it should not have ended, but it still practiced.

Questions

1. What type of expediency is meant in Masālih Mursalah? Explain by an example that is found in your time
2. What are the conditions for Masālih Mursalah to be valid or considered?
3. What is 'Urf?
4. How many types of 'Urf do you get?
5. What are the conditions for 'Urf to be considered?
6. Nowadays people sell the fruit before it ripens, whereas this type of transaction is prohibited in the Hadīth. Will this 'Urf be considered or not?

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Sadd Dharā'i

Sadd Dharā'i refers to forbidding those permitted actions that could be a means of the actions forbidden by the Shari'ah.

There are four levels of Sadd Dharā'i:

1. The action could definitely become a means of some wrong. For example, to dig a well in front of the door of someone.
2. One has the overpowering thought that the action will become a means of wrong. For example, selling grape juice to make wine, selling weapons to the people at war with us. These are not permitted at all.
3. There is doubt about wrong arising from it. Sometimes a wrong does take place. For example, a person digs a well in an appropriate place, there is possibility of someone falling and drowning. This means is permitted.
4. There is an abundance of problems that arise from it, whereas in reality it is a permissible action. For example, Nikah Halalah, Talāq during one's terminal illness etc. According to the Ahnāf, this is based on intention. If a person's objective is to make some plan (hilah) in order to do a Haram action, then it will be impermissible, otherwise not. According to the Mālikīyah, a means of this level is impermissible in every case.

Part of Sadd Dharā'i is that it is not permissible to arrange a mixed classroom system for boys and girls that are mature or reaching close to the age of maturity. This is because this will create an environment of shamelessness. Or, like the ruling of Sāhibayn, where they declare it impermissible to give homes on rent to the banks that deal in interest, as this will become a means of aiding interest-bearing dealings.

Like Sadd Dharā'i, the opposite of it is Fath Dharā'i, i.e. whatever is necessary in order to fulfil a Fard or Wājib, it will have the same as it. For example, going to the Masjid, as this is necessary to participate in the Jama'ah. Whatever is a means for something Mubāh, it will also be Mubāh. For example, earning the needs of life to an extent greater than what is sufficient. This is because it is permissible to live a comfortable life whilst staying within the limits of the Shari'ah.

The Shari'ahs of Before

The laws of previous divine scriptures that are present in the copies available today and they are not mentioned in the Qur'an and Hadith. There is no consideration given to them. This is because these books have been changed. However, the laws of previous nations that are mentioned in the Qur'an and Hadith, they are of three types:

Firstly, where it is clearly mentioned that they are abrogated. For example,

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For the Jews, We forbid every animal with talons, and the fat of oxen and sheep, except that which is attached to their backs or intestines or mixed with their bones, this is the punishment We gave them because of their disobedience and indeed We are true (Sūrah An'ām, 145).

This law is not practiced in this Ummah.

Secondly, where it is clearly mentioned that it has been kept up for this Ummah, for example,

O you who believe, fasting has been made obligatory upon you just as it has been made obligatory upon those before you so that you may become pious (adopt Taqwa). (Sūrah Baqarah, 183)

According to consensus, this law remains for this Ummah.

Thirdly, where it is clearly mentioned that it does not remain for the Ummah, nor has it been abrogated, for example,

And We ordained upon them in this Book that a life will be for a life (Sūrah Mā'idah, 45)

According to the majority, this will remain for this Ummah just as we draw conclusion from the verse, 'this is a camel for it will be a turn to quench and for you will be a day to quench' that items that cannot be divided will be distributed according to Muhāyāt, where the owners take turns to benefit.

Questions

1. What is Sadd Dharā'i?

2. How many levels of Dharā'i are there and what are the rulings for each one?

3. The uncovering of the face of a woman can be a means of Fitnah. What level of means is this and what ruling should be implemented in this regard?

4. What is meant by Fath Dharī'ah and what are the rulings of the means of Farā'id, Wājibāt, Mubāhāt and Mustahabbāt?

5. What is the ruling for the laws of the Bible not mentioned in the Qur'ān and Sunnah?

6. Give an example where the Qur'ān states a ruling of a nation of before and it does not state whether it remains or it has been abrogated.

Statement of a Sahābī

A Sahābī is he who was blessed with the honour of meeting Rasūlullāh ﷺ in the condition of imān. The Sahābah ﷺ saw the actions of Rasūlullāh ﷺ and heard his speech directly. They are most knowledgeable of the nature of the Shari'ah. Therefore, the statement of a Sahābī has special status. This importance and status is clear from the fact that at the time of a difference of opinion, Rasūlullāh ﷺ gave instructions that people should follow his opinion and the opinion of the Sahābah ﷺ. That

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upon which I and my companions are upon.' (Tirmidhi, Hadīth 2641) Rasūlullāh ﷺ said, "Hold onto my Sunnah and the Sunnah of the rightly guided Khulafā'." (Ibn Mājah, Hadīth 42)

There are two types of statements of the Sahābah رضي الله عنهم

Firstly, those statements in which there is no scope for Ijtihād or opinion. For example, Sayyidunā 'Alī رضي الله عنه said, "There is no Jumu'ah and no Tashrīq except in a city." (Nasb-ur-Rāyah vol.2 p.195) Alternatively, the statement of Sayyidunā 'Abdullāh Ibn 'Abbās رضي الله عنه that if a person is going to the Haram, then he should not go beyond the Mīqāt boundary without Ihrām. (Nasb-ur-Rāyah vol.3p.13)

According to the Ahnāf and most jurists, this is the ruling from the Hadīth. This is because the overpowering thought is that these statements of the Sahābah رضي الله عنهم will be based on the Hadīth of Rasūlullāh ﷺ. According to the Shawāfi', this is not proof.

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Istishāb

Istishāb means that the previous ruling is kept intact if there is no reason or cause to change it. For example, if someone has Wudū', and there is doubt about his Wudū' remaining, then the ruling will be given that he still has Wudū'. According to the Hanābilah, Istishāb is a proof of Sharī'ah itself.

There are three basic forms of Istishāb:

1. The original ruling of things keeps up the permissibility, as long as there is no proof that shows prohibition. Allāh ﷻ says, 'He is the One Who created for you whatever is in the earth.' (Sūrah Baqarah, 29). Therefore, the original ruling in things is permissibility. The example of it is that it is permissible to use means of comfort, on condition that it does not enter the limit of wastage. Similarly, it is permissible to wear clothing of different designs, as long as the clothing does not reveal the Satr, or it does not fall under imitating the disbelievers.
2. If the original ruling in something is that something is not found, then this will be accepted as not being there. For example, the original ruling is that a person is free from responsibility, not that he is engaged with responsibility. Therefore, in the absence of someone, a person will be taken to be free of responsibility.

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1. The original ruling of things keeps up the permissibility, as long as there is no proof that shows prohibition. Allāh سبحانه وتعالى says, ‘He is the One Who created for you whatever is in the earth.’ (Sūrah Baqarah, 29). Therefore, the original ruling in things is permissibility. The example of it is that it is permissible to use means of comfort, on condition that it does not enter the limit of wastage. Similarly, it is permissible to wear clothing of different designs, as long as the clothing does not reveal the Satr, or it does not fall under imitating the disbelievers.
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Subsequently, if someone claims that a debt is owed by someone else and that person denies it, then the ruling of that person being a debtor will not be given until there is Shar'ī proof presented. This is because the original ruling is to be free from responsibility. Alternatively, if a wife makes a claim against her husband, that he did not give maintenance. Until the woman does not provide proof, the husband will not be liable because the original ruling is that a person is free from responsibility.

3. In order to prove a ruling, whatever cause the Shari'ah has stipulated, after it is proven that the cause was found, the ruling will be conditional until proof is not brought to show that the cause (sabab) is lost. For example, being a spouse is proven through the Nikāh contract. Now, as long as it is not proven that they are separated, the Nikāh will be taken as intact. Alternatively, if someone bought something, his ownership of it has been established over it. If another person claims that the item is not the possession of the said person, then until he does not prove it, it will be taken as his possession.

Istishāb will be considered until there is no other proof present. According to the Ahnāf, Istishāb becomes a means of defending rights, it does not prove them. For example, until proof is not established of the death of a missing person, he will be taken as living and the rights of the heirs

will not be established in his wealth. However, if the heirs of the missing person pass away, then there will be no rightful person in the estate of the missing heir.

Questions

1. What is the definition of Sahābī
2. How many types of statements of Sahābah do you get and what are the rulings?
3. Mention the definition with example of Istishāb
4. When will Istishāb be considered?
5. Istishāb defends rights, it does not prove them, explain this through an example

Laws of the Shari'ah Ruling

Hukm: The quality of the actions of a person are stipulated by it. The Shari'ah has explained it. For example, an action to be stipulated as Wājib, Fard, Harām or Makrūh.

There are two types of Hukm.

1. Hukm Taklīfī
2. Hukm Wad'ī

Hukm Taklīfī

That ruling in which an action is requested or forbidden, or there is a choice of doing or leaving an action. There are seven types:

1. Fard

2. Wājib
3. Mandūb
4. Harām
5. Makrūh Tahrīmī
6. Makrūh Tanzihī
7. Mubāh

Fard

It is necessary to do it and it is proven from a Qat'ī proof. For example, Qirā'ah in Salāh.

It is necessary to practice on a Fard, one will get reward for it, and there is sin for leaving it out. It will be blasphemy to deny it without an appropriate interpretation.

Wājib

It is necessary to do it, and it is proven from Zannī proof. For example, the command to recite Sūrah Fātiha in Salāh. It is necessary to practice on a Wājib, one will be rewarded for doing it, but denial of it is not blasphemy.

All the actions that are necessary and proven from Khabar Wāhid or Qiyās, or they are proven from a verse of the Noble Qur'ān that has scope for more than one meaning will be called Wājib.

There are two types of Farā'id and Wājibāt:

1. 'Aynī
2. Kifāyī

'Aynī

Those Farā'id and Wājibāt that are compulsory upon each individual, like Salāh, fasting, Zakāt, Hajj.

Kifāyī

Those Farā'id and Wājibāt that are compulsory upon the collective people. If some do it, then the responsibility will fall away from the others. For example, Janāzah Salāh, acquiring detailed knowledge of Dīn, Jihād etc.

In terms of time, Farā'id and Wājibāt are of two types.

1. Mutlaq
2. Muqayyad

Mutlaq

That for which the Sharī'ah has not stipulated a time. For example, the different types of Kaffārah. They can be done at any time, they are called Adā'.

Muqayyad

That for which the Sharī'ah has stipulated a time. They are also called Farīdah Muwaqqatah. For example, Salāh, fasting in Ramadān. If they are not done on time, they will be called Qadā'. Time is stipulated for Hajj, but because this is Fard once in a lifetime, it can be done any year, it will still be Adā'.

2. Wājib
3. Mandūb
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Mandūb

That which is required, liked. However, it is not necessary like Fard or Wājib and a person cannot be chastised for leaving it out.

There are three types of Mandūb:

1. Sunnah Mu'akkadah
2. Sunnah Ghayr Mu'akkadah
3. Mustahab

Sunnah Mu'akkadah

That which completes or perfects a Wājib. Like Adhān, Jamā'ah. Alternatively, Rasūlullāh ﷺ was punctual upon it and he sometimes left it out. For example, putting water in the nose at the time of Wudū', the emphasized practices before the Farā'id. These are also called Sunan Huda. The one who leaves the Sunan Mu'akkadah out should be requested to do them, he cannot be punished. However, leaving them out repeatedly will be Makrūh and will be a means of sin.

Sunnah Ghayr Mu'akkadah

Those actions upon which Rasūlullāh ﷺ did not adopt a punctual way, like a long Qirā'ah in some Salāh, starting every good action from the right and so on. There is reward for doing it, but no sin for leaving it out.

They are also called Nafl or Mustahab. Sometimes, the jurists refer to this as Mandūb.

Sunnah Zā'idah

Those things that Rasūlullāh ﷺ did sometimes. They are called Sunan Zā'idah. For example, the way that Rasūlullāh ﷺ ate and drank, the way he sat, rested, slept and so on. They are called ādāb. They are generally referred to as Mustahab.

If a person makes the intention to follow Rasūlullāh ﷺ by doing these actions, he will be rewarded, and Inshā Allāh, he will get the reward of worship. If he does not do them, it will not be a means of sin, nor will he be punished. However, he can be reprimanded by way of Tarbiyat (nurturing).

Questions

1. Define Hukm
2. What types of Hukm Taklīfī do you get?
3. What is the ruling of Fard and Wājib and what is the difference between them?
4. Explain the following types of Fard and Wājib with examples: 'Aynī, Kifāyī, Mutlaq, Mu'aqqat
5. What is the difference between Sunnah Mu'akkadah and Ghayr Mu'akkadah?

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5. What is the difference between Sunnah Mu'akkadah and Ghayr Mu'akkadah?

6. What is Sunan Zā'idah? What is another name for it? Will a person get reward for it or not?

Harām

It is necessary to stay away from it and its prohibition is established from a definite proof, like adultery, stealing, interest.

It is obligatory to refrain from it and a person will be rewarded for staying away, although he has the ability to do it. Doing it in the case where a person is not forced will earn him sin and denial of it will be blasphemy, if no interpretation can be given.

There are two types of Harām:

1. Harām Li'aynihi
2. Harām Lighayrihi

Harām Li-'Aynihi

That in which the quality is found within it, due to which it has been classified as Harām. For example, the prohibition of taking interest, the prohibition of liquor.

Harām Li-Ghayrihi

Where the prohibition is due to some external factor. For example, the prohibition of taking the wealth of someone else without his permission, the prohibition of giving interest. This is because it is not a sin if a debtor gives

something extra from his own side when paying his debt. In fact, it is better. The prohibition is because the courage of those dealing in interest increases. If there was no one to give interest, then the interest bearing dealings will not continue or function.

Makrūh Tahrīmī

That action whose prohibition is not established from a definite proof, but from a Zannī proof. For example, facing or putting the back to the Qiblah direction when relieving ones self.

It is Wājib to refrain from a Makrūh Tahrīmī action. If a person does it without any excuse, it will be a means of sin. It is deviation to deny its prohibited status, but not blasphemy. For example, to let the trousers hang beneath the ankles out of pride.

The actions whose prohibition is established through Khabar Wāhid or Qiyās, or it is proven from a verse of the Qur'ān that has scope for more than one meaning will be Makrūh Tahrīmī.

If Makrūh is mentioned in general terms in the books of Fiqh, it mostly refers to Makrūh Tahrīmī.

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That action which we are requested to stay away from. However, it is not declared necessary to stay away from it.

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If Makrūh is mentioned in general terms in the books of Fiqh, it mostly refers to Makrūh Tahrīmī.

Makrūh Tanzīhī

That action which we are requested to stay away from. However, it is not declared necessary to stay away from it.

For example, to stand and drink water, or to stand and urinate.

Staying away from a Makrūh Tanzīhī is a means of reward and the person who does it should not be chastised and he will not get a sin.

Sometimes Makrūh Tanzīhī is called Khilāf e Aulā, some scholars feel that the level of Khilāf e Aulā is lower than Makrūh Tanzīhī. This is because the person who does a Makrūh Tanzīhī is worthy of being chastised and there is no scope to chastise a person who does a Khilāf e Aulā.

Mubāh

Mubāh refers to those actions where a person has been given the choice to do something or not do it. For example, eating, drinking etc.

Doing it and staying away from it is the same. There is no reward for one angle, nor sin or chastisement. However, in terms of intention, there will either be reward or punishment. For example, a person eats so that he can gain strength to worship. He will be rewarded for this. If he has the intention to oppress using the strength he gains, then it will be a sin.

The Mubāh action that is proven from a definite proof (Qur'ān, Hadīth Mutawātir, Ijmā'), denial of it will be a means of blasphemy. For example, to deny the Mubāh

status of food and Nikāh. Similarly, if there is an action clearly stated to be Mubāh in the Qur'ān and Hadīth, it will not be correct to state that one angle is necessary and the other is forbidden. For example, it is permissible for a man to marry more than one wife. Therefore, no Muslim or non-Muslim government can make a law where they forbid a man from a second marriage, as this is Mubāh, not Wājib.

Mubāh is also called permissible (Jā'iz). However, the difference between them is that Jā'iz can come together with Makrūh and Mubāh cannot combine with Makrūh, i.e. the action that is Mubāh, it is permissible without Karāhat, and Jā'iz is sometimes Makrūh. For example, it is Mubāh to eat food and it is Jā'iz to stand and drink water.

Questions

1. Define Harām and explain its ruling
2. What is the difference between Harām Li'aynihi and Harām Lighayrihi? Explain these through examples not mentioned in the book
3. Define Makrūh Tahrīmī and Makrūh Tanzīhi and their rulings, explain at least two differences between them
4. If Makrūh is written in the books of Fiqh, then what type of Makrūh is meant?
5. Is Makrūh Tanzīhi and Khilāf Aulā the same or is there a difference between them? Those who have mentioned a difference, what is it?

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6. What is Mubāh and what is the ruling of it?
7. Can there be reward or punishment for Mubāh actions?
8. When will it be a means of Kufr if a person denies Mubāh?
9. What is the difference between Mubāh and Jā'iz?

Hukm Wad'ī

Hukm Wad'ī is that in which one thing is linked to another in terms of its existence. There are four Hukm Wad'ī:

1. Sabab
2. Shart
3. Māni'
4. Rukhsat wa 'Azīmat

Sabab

That which the Shāri' has made a sign for the existence of something else and the existence or non-existence of both are linked to each other. This is called Sabab. Just as time is classified as a Sabab for Salāh, when the time is found, then Salāh will be Fard. As long as the time does not come, the Salāh will not be Fard. The coming of Ramadān is a Sabab for fasting being obligatory. As long as Ramadān does not come, fasting will not be obligatory. The time of Salāh and month of Ramadān are classified as Sabab. Salāh and fasting being Fard are Musabbab. As long as the Sabab is not there, the Musabbab will not apply to the person.

Shart

Shart means that action, when found, the correct status of another action will be found. If the Shart is not found, then according to the Shari'ah, the second action will not come about. It is called Mashrūt. Just as Wudū' is a Shart for Salāh to be correct, then even if the Sabab is found and the time of Salāh comes, then too, as long as this Shart is not found, Salāh will not be correct.

The difference between Sabab and Shart is that when the Sabab is found, the action becomes necessary. For example, when the time enters, Salāh becomes Fard. However, with the presence of the Shart, the Shurūt is not necessitated. For example, it does not become compulsory to perform Salāh if a person has Wudū'.

Māni'

Māni' is that where despite the Sabab being found, it does not allow the Hukm to be implemented. For example, if there is a person who passes away and leaves a relative that the Shari'ah declares an heir, like a son or father, but he is not a Muslim. So, because of being an heir, the Sabab of Qarābat is found. However, due to difference of religion, such a relative will not get inheritance. Therefore, this difference of religion is technically termed as Māni'.

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'Azīmat and Rukhsat

In terms of the conditions of a person, there are two types of Hukm:

1. Azīmat
2. Rukhsat

The original Hukm, which is for general conditions is called 'Azīmat. For example, fasting in Ramadān, performing four Rak'āts of Zuhr, Asr and 'Ishā'. To stand in the Fard Salāh.

Rukhsat is the ruling that is given due to some excuse or temporary reason. For example, for an ill person or traveler not to fast during Ramadān, and for a person to suffice on two Rak'āts on journey for Zuhr, 'Asr and 'Ishā'.

It is most virtuous to practice on 'Azīmat on condition that there is no fear for one's life. For example, for an ill person or traveler not to fast. If there is fear for life, then it will not be permissible to practice on 'Azīmat. It will be Wājib to practice on Rukhsat. However, one form is excluded, that it would be permitted to say a word of disbelief if there is fear for one's life. This ruling is Rukhsat. In comparison to this it will be 'Azīmat not to say the word of disbelief and give one's life. In this case, it will be better to practice on 'Azīmat, even if there is fear of one losing one's life. It is permissible and Khilāf e Aulā to practice on Rukhsat.

Another instance is excluded from it. It is to make Qasr Salāh on journey. Although this is Rukhsat, the jurists say that according to some Ahādith, it will be Wājib to perform two Rak'āts on journey instead of four. It will not be correct to perform four Rak'ats.

Questions

1. Define Hukm Wad'i
2. What are the Wad'i laws?
3. Define Sabab and throw light on the difference between Sabab and Shart
4. Define Māni' and explain with an example
5. Define 'Azīmat and Rukhsat and clarify with examples
6. What is the ruling of 'Azīmat and which form will be excluded from its general ruling?
7. What is the ruling of Rukhsat and which form will be excluded from the general ruling?

Method of Drawing Rulings

The Noble Qur'ān was revealed in clear Arabic and by means of his words and deeds, Rasūlullāh ﷺ explained it. Rasūlullāh ﷺ was an Arab by lineage and his language was Arabic. Therefore, the Ahādith of Rasūlullāh ﷺ is also Arabic. It is necessary to have knowledge of the laws and principles that will allow one to draw rulings from the Qur'ān and Hadith. By means of these laws, one can understand the objective of the speaker. These laws have

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2. What are the Wad'ī laws?
3. Define Sabab and throw light on the difference between Sabab and Shart
4. Define Māni' and explain with an example
5. Define 'Azīmat and Rukhsat and clarify with examples
6. What is the ruling of 'Azīmat and which form will be excluded from its general ruling?
7. What is the ruling of Rukhsat and which form will be excluded from the general ruling?

Method of Drawing Rulings

The Noble Qur'ān was revealed in clear Arabic and by means of his words and deeds, Rasūlullāh ﷺ explained it. Rasūlullāh ﷺ was an Arab by lineage and his language was Arabic. Therefore, the Ahādīth of Rasūlullāh ﷺ is also Arabic. It is necessary to have knowledge of the laws and principles that will allow one to draw rulings from the Qur'ān and Hadīth. By means of these laws, one can understand the objective of the speaker. These laws have

'Azīmat and Rukhsat

In terms of the conditions of a person, there are two types of Hukm:

1. Azīmat
2. Rukhsat

The original Hukm, which is for general conditions is called 'Azīmat. For example, fasting in Ramadān, performing four Rak'āts of Zuhr, Asr and 'Ishā'. To stand in the Fard Salāh.

Rukhsat is the ruling that is given due to some excuse or temporary reason. For example, for an ill person or traveler not to fast during Ramadān, and for a person to suffice on two Rak'āts on journey for Zuhr, 'Asr and 'Ishā'.

It is most virtuous to practice on 'Azīmat on condition that there is no fear for one's life. For example, for an ill person or traveler not to fast. If there is fear for life, then it will not be permissible to practice on 'Azīmat. It will be Wājib to practice on Rukhsat. However, one form is excluded, that it would be permitted to say a word of disbelief if there is fear for one's life. This ruling is Rukhsat. In comparison to this, it will be 'Azīmat not to say the word of disbelief and give one's life. In this case, it will be better to practice on 'Azīmat, even if there is fear of one losing one's life. It is permissible and Khilāf e Aulā to practice on Rukhsat.

Another instance is excluded from it. It is to make Qasr Salāh on journey. Although this is Rukhsat, the jurists say that according to some Ahādīth, it will be Wājib to perform two Rak'āts on journey instead of four. It will not be correct to perform four Rak'āts.

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been clarified by the scholars of Usūl-ul-Fiqh in five basic divisions.

1. In terms of Wad' (coining the word)
2. In terms of using it for its meaning
3. In terms of clarity and explicability
4. In terms of vagueness
5. In terms of pointing out towards the meaning

For what type of meaning has the word been coined? In terms of this, the words are of four types:

1. 'Ām
2. Khās
3. Mushtarak
4. Mu'awwal

Khās

Khās is a word that points out to one or to many things that are limited. For example, the word, 'rashīd', 'insān', 'thalā'ha', 'asharah' etc. Khās points out to its meaning with definiteness, i.e. it is not in need of explanation, nor does it have possibility of another meaning. For example, the verse stating the recompense for a broken oath states, 'The Kaffārah is to feed ten poor people' (Sūrah Mā'idah, 89). Here, 'it'ām' and 'asharah' are Khās and they are not in need of explanation.

There is no scope to add anything to the Khās word of the Book of Allāh. For example, Allāh ﷻ gave the

command of Rukū' and Sujūd. Rukū' and Sujūd are Khās. The meaning is clear. From a Khabar Wāhid we learn that I'tidāl is also necessary because a Sahābī ~~performed~~ performed Salāh without Ta'dīl (composure), so Rasūlullāh ~~instructed~~ instructed him to repeated the Salāh. Because this is Khabar Wāhid, that is why I'tidāl in Rukū' and Sajdah cannot be classified as a fundamental of Salāh. However, because of the Hadīth, it will be classified as Wājib.

Similarly, in Wudū', we have been instructed to wash the face, the hands, make Masah of the head and wash the feet. All these words are Khās in terms of their meaning. From this we learn that these actions are the fundamentals of Wudū'. However, we learn from a Khabar Wāhid that Niyyah in Wudū', Tasmiyah, and washing the limbs one after the other are also necessary. Therefore, these actions cannot be declared fundamentals of Wudū' as it necessitates an addition to the Khās of the Qur'ān. However, it has the status of Sunnah and Mustahab.

Questions

1. What is Khās?
2. What is the ruling of Khās?
3. Can additions be made to the Khās of the Qur'ān by Khabar Wāhid?
4. Show at least ten words from the Qur'ān that are Khās

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Four Important Types

There are four important types of Khabar:

1. Mutlaq
2. Muqayyad
3. Amr
4. Nahi

Mutlaq

A word that shows its reality without any condition, like 'Kitāb', 'Rajul', 'Masjid'.

The ruling of Mutlaq is that it will remain upon its status until a strong proof of the same status allows condition to affect it, for example, 'then count from these days' (Sūrah Baqarah, 185)

In this verse, the word 'Ayyām' is Mutlaq. Therefore, the Ramadān, one can make Qadā of the same amount of days either continuously or with breaks in between. It is necessary to fast the Qadā with continuity.

A Khabar Wāhid cannot be used to add any condition to a Mutlaq word of the Qur'ān. For example, the Qur'an instructs that for Wudū', the face, hands and feet must be washed and Masah of the head should be made. There is no other condition. However, we learn from the Rasūlullāh (ﷺ) that in the beginning, it is necessary

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In this verse, the word 'Ayyām' is Mutlaq. Therefore, after Ramadān, one can make Qadā of the same amount of days, either continuously or with breaks in between. It is not necessary to fast the Qadā with continuity.

A Khabar Wāhid cannot be used to add any condition to a Mutlaq word of the Qur'ān. For example, the Qur'ān instructs that for Wudū', the face, hands and feet must be washed and Masah of the head should be made. There is no other condition. However, we learn from the Hadith of Rasūlullāh ﷺ that in the beginning, it is necessary to say

Tasmiyah and from the action of Rasūlullāh ﷺ, we learn that this should be the sequence of Wudū'. First, the face should be washed, then the hands, then Masah of the head, then the feet should be washed. So, due to these Ahādīth, these things cannot be classified as Wājib because this will be adding to the Mutlaq of the Qur'ān using a Khabar Wāhid. However, they will be part of the Mustahabbāt.

Muqayyad

That word in which a condition has been placed of a quality or attribution, for example, 'Rajul Mu'min', 'Walad Al-Faqīr'

The ruling of Muqayyad is that it will be Wājib to practice on the verse, giving due consideration to the condition. For example, Allāh ﷻ says, (فَمَنْ لَمْ يَجِدْ فَصِيَامَ شَهْرَيْنِ مُتَتَابِعَيْنِ) (من قبل ان يتمسا). In this verse, the condition has been mentioned that the fasts kept for Kaffārah of Zihār must be done in sequence and before having relations. Therefore, it will be necessary to keep these fasts before having relations.

Can Mutlaq be interpreted as Muqayyad?

If in one Nass, a word is Mutlaq and in another Nass, it is mentioned with a Qayd (condition), if these Nusūs are linked to the Sabab of the ruling, then according to the Ahnāf, they cannot be used to refer to the other. For example, Rasūlullāh ﷺ said, (الجار أحق بسقبه). In another

narration, (أحق شفعة جاره ينتظر بها إن كان عاليا إذا كان) (طريقهما واحدا).

Being a neighbour is a cause of Shuf'ah, on condition that the road of both is the same. Therefore, both Nusūs are linked to the cause of the ruling. In the first proof, 'jawār' is Mutlaq. In the second Hadith, the condition of 'having the same road' is added. According to Imām Abū Hanīfah رحمته الله, Mutlaq cannot be used for Muqayyad, but jawār is the cause of Shuf'ah itself, and sharing the road is another Sabab of Shuf'ah.

If the Mutlaq and Muqayyad Nusūs, both, are linked to the ruling, then there are four states:

1. If the ruling and Sabab are the same, then with consensus it will refer to Muqayyad. For example (أحق شفعة جاره ينتظر بها إن كان عاليا إذا كان) (طريقهما واحدا) and (أحق شفعة جاره ينتظر بها إن كان عاليا إذا كان) (طريقهما واحدا). In the first verse, 'blood' has been made the Sabab and the ruling of Harām is the ruling. However, in one verse, there is blood mentioned as Mutlaq and in the second verse, flowing blood is mentioned. Therefore, the first verse will also be taken as referring to flowing blood.
2. The Hukm and the Sabab differ. In this case, one cannot refer to the other, by consensus. For example, (أحق شفعة جاره ينتظر بها إن كان عاليا إذا كان) (طريقهما واحدا).

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In this case, there is difference of opinion. According to the Ahnāf, the Mutlaq will be kept as is. Therefore, in Kaffārah of Zihār, it will be sufficient to free a disbelieving slave. According to the other jurists, Mutlaq will be taken to refer to Muqayyad and like the Kaffārah of killing, it will be necessary to free a believing slave in the Kaffārah of Zihār just as in the case of Kaffārah of killing.

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2. Define Muqayyad
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4. If a Hukm is Mutlaq in one Nass and Muqayyad in another, how many forms will there be and what ruling will apply to each case?
5. Give three examples of Muqayyad from the Qur'ān

Amr

The third type of Khās is Amr. Amr is a word by means of which something is requested emphatically, whether the Amr scale is used, *(أقيموا الدين)*, or, an informative sentence is used, but the objective is a request, *(والوالدت يرضعن)* *(أولادهن حولين كاملين)*.

Amr comes to show Wujūb, or, compulsion, except in the case where some reason is found and it demands that the meaning of Amr not be taken. In such a case, it could mean permissibility or preferability. For example, *(كلوا واشربوا)*. Eating and drinking are natural actions. Man cannot do without them. It is pointless to make such natural needs Wājib. This is a reason that shows that Amr will not be for Wujūb here. Similarly, the verse, *(إذا حللتم فاصطادوا)*.

Before Ihrām, hunting is permitted, not Wājib. This is a reason that shows that after opening the Ihrām, hunting will remain permissible, not Wājib.

In terms of its original meaning, Amr does not seek repetition. For example, *(إذا تداينتم بدين إلى أجل مسمى)*

4. The Hukm is one and the Sabab differs: for example, *الذين يظهرون من نسائهم ثم يعودون لما قالوا فتحرير رقبة من* (قبل ان يتماسا). This verse deals with the Kaffārah of Zihār. With regards to the Kaffārah of killing, the verse is, *(ومن قتل مؤمناً خطأ فتحرير رقبة)*. The ruling in both places is that a slave should be freed. In the first verse, the Sabab is Kaffārah of Zihār and in the second verse, Kaffārah of killing. In the first verse, a general slave is mentioned and in the second verse, a believing slave is mentioned.

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5. Give three examples of Muqayyad from the Qur'ān

Amr

The third type of Khās is Amr. Amr is a word by means of which something is requested emphatically, whether the Amr scale is used, *(أقيموا الدين)*, or, an informative sentence is used, but the objective is a request, *(والوالدت يرضعن)* *(أولادهن حولين كاملين)*.

Amr comes to show Wujūb, or, compulsion, except in the case where some reason is found and it demands that the meaning of Amr not be taken. In such a case, it could mean permissibility or preferability. For example, *(كلوا واشربوا)*. Eating and drinking are natural actions. Man cannot do without them. It is pointless to make such natural needs Wājib. This is a reason that shows that Amr will not be for Wujūb here. Similarly, the verse, *(إذا حللتم فاصطادوا)*.

Before Ihrām, hunting is permitted, not Wājib. This is a reason that shows that after opening the Ihrām, hunting will remain permissible, not Wājib.

In terms of its original meaning, Amr does not seek repetition. For example, *(إذا تدانيتكم يدين إلى أجل مسمى)*

(فاكتبوه). Here, one is commanded to write a loan transaction. However, it is possible that by means of Amr, the action that is commanded, it will be repeated because of some other reason. For example, repeating Salāh because of the time entering and repeating the action of fasting due to the repetition of the month of Ramadān.

Questions

1. Define Amr
2. Is it necessary for the form of the Amr to be the Sarfī form?
3. What meaning does Amr show?
4. Whatever is commanded through Amr, does it demand repetition?

Nahī

Nahī is that Khās word that emphatically forbids something, whether it is in the form of the Nahī scale, (تأكلوا أموالكم بينكم بالباطل), or a Nahī word (نهي عن), (الفحشاء والمنكر والبغى), or the word-form of Nahī stops something (وذرُوا البيع), or the Tahrīm word is shown (حرمت عليكم الميتة), or the action being Halāl is negated (ولا يحل لكم أن تأخذوا مما آتيتموهن شيئاً).

A Nahī originally shows something being Harām, except if there is some reason to show otherwise. In such a case,

will show dislike (Karāhiyat) or advice. For example, (إذا نودي للصلاة من يوم الجمعة فاسعوا إلى ذكر الله وذروا البيع). In the reverse, Nahī shows Karāhiyat. The reason for this is that trade has been forbidden because of some outside reason, not because of a problem with the trade itself. Similarly, (تسئلوا عن أشياء أن تبدلواهن). Here, the prohibition of asking is because of advice. Advice or Irshād means that its objective is not to complete some ruling of the Sharī'ah, but the objective is to save a person from worry and he is being stopped out of affection.

The Effect of Nahī upon that which it Forbids

What effect will the Nahī have upon that which it forbids (manhī 'anhu)? There are three types of Nahī in terms of effect.

1. An action is forbidden itself. For example, Nikāh with a Mahram relative, sale of carrion. If such forbidden actions are done, then the resultant Sharī' ruling will not come about. Subsequently, in the case where Nikāh with a Mahram takes place, the lineage of the child will not be established and in the case where carrion is sold, the ownership of the carrion and ownership of the price paid will not be proven.

2. An action has been forbidden because of an external reason, something that was not necessary for it. For

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2. An action has been forbidden because of an external reason, something that was not necessary for it. For

example, performing Salāh in stolen land, trade at the time of Jumu'ah Adhān. In such cases, if a person did the action, then the Shar'ī effect will occur, but the person will be sinful. Subsequently, the Salāh will be correct and the trade will be correct, although the person will be sinful for doing it.

3. An action is forbidden because of some external factor, it is something not part of the action but is necessary for it. For example, to fast on the Day of 'Īd-ul-Fitr. Alternatively, to do a transaction with a Fāsid condition. According to majority of the scholars, in such a case, if a person does a forbidden action, then the Shar'ī laws related to it will not apply. According to the Ahnāf, the effects will take place. The fast will be done and in the case of a transaction with a Fāsid condition, the ownership will be proven after possession is taken.

Questions

1. Define Nahī
2. What does Nahī point out?
3. What and how many forms of Nahī are there in terms of the effects of Nahī upon that which it forbids?

'Ām

'Ām is that word that has been coined to refer to many things, and it includes unlimited individuals, for example

'al-mu'minūn'. If 'asharah mu'minan' or 'mi'ah mu'min' is said, then this will not be 'Ām, as although 'asharah or mi'ah point out to many, but it limits the large number. Similarly, 'mu'minūn' will not be 'Ām as it does not contain the inclusive meaning (istighraq).

Words of 'Ām

There are a number of important words that point out to 'Ām:

1. Kul, Jamī', Kāffah, e.g. (كل نفس بما كسبت رهينة)
2. A plural that has Alif Lām, e.g. (واللهات يرصدن أولادهم)
3. A plural that has Idāfat, e.g. (وصيكم الله في أولادكم)
4. A singular word that has Alif Lām, e.g. (الراية والراي)
5. Asmā' Mausūlah, e.g. (أهل نعيم ما وراء النسيم)
6. Asmā' Shart, e.g. (وما نطقوا من غير يوم)
7. Nakirah after a Nafi, e.g. (أوصية نورث)
8. Nakirah Mausūfah, e.g. (وغير يوم من غير مشترك و)

Ruling of 'Ām

According to the Ahnāf, 'Ām will point out to its meaning, like Khāṣ and it is definite, it needs no explanation.

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3. A plural that has Idāfat, e.g. (يوصيكم الله في أولادكم) (للذكر مثل حظ الأنثيين)
4. A singular word that has Alif Lām, e.g. (الزانية والزاني) (فاجلدوا كل واحد منهما مائة جلدة)
5. Asmā' Mausūlah, e.g. (أحل لكم ما وراء ذلكم)
6. Asmā' Shart, e.g. (وما تنفقوا من خير يوف إليكم)
7. Nakirah after a Nafī, e.g. (لا وصية لوارث)
8. Nakirah Mausūfah, e.g. (ولعبد مؤمن خير من مشرك ولو أعجبكم)

Ruling of 'Ām

According to the Ahnāf, 'Ām will point out to its meaning, just like Khās and it is definite, it needs no explanation.

Subsequently, it is not correct to make the 'Ām of the Qur'ān specific by means of Khabar Wāhid. According to other jurists, 'Ām will be Zannī in pointing out to its meaning, so Khabar Wāhid can make something specific, for example, (ولا تأكلوا مما لم يذكر اسم الله عليه وإنه لفسق). This verse is 'Ām for all animals in showing its Harām nature, the animals that Allāh تبارك وتعالى did not mention by name. On the other side is the narration (المسلم يكفيه اسمه). From this, we learn that it is not necessary for a Muslim to take the name of Allāh تبارك وتعالى when slaughtering. The Shawāfi' use this Hadīth to specify the verse.

Yes, if some individuals of the 'Ām in the Qur'ān, Hadīth Mash-hūr or Hadīth Mutawātir are made specific, then the word will point out to its meaning at Zannī level. Therefore, one can also specify more individuals using Khabar Wāhid or Qiyās, until three individuals remain. For example, after mentioning the Harām edible items, the person who is in a dire condition is mentioned, that he can eat something Harām, enough to save his life. In making Qiyās upon this, the case of treatment is excluded, that it will be permissible to use Harām medication in order to save the life of a person.

What means will cause Takhsīs?

1. One means of Takhsīs is intelligence, the intellect demands that the being of Allāh is excluded from 'Kullu

Shay', as being the All-Powerful Being negates being overpowered.

2. The second means of Takhsīs is feeling and witnessing, for example, it was said regarding the Queen of Saba, 'I have been given from everything'. However, it is clear that whatever was with Sayyidunā Sulaymān عليه السلام was not with her.
3. The third means of Takhsīs is 'Urf. For example, 'and the mothers breastfeed their children' (Sūrah Baqarah, 233). However, the jurists have specified the noble and high-ranking women, that it is not Wājib upon them to breastfeed because at the time of revelation of the Qur'ān, this was the 'Urf and this was not criticized.
4. The fourth means is Nass, e.g. 'and the divorced women should keep themselves waiting for three Qurū' (Sūrah Baqarah, 228). However, regarding pregnant women it is said, 'their waiting period is childbirth'. In this way, the second verse made a specification to the first verse.

Three Types of 'Ām

In terms of its meaning and purport, 'Ām is of three types. Firstly, 'Ām gives an 'Ām meaning with definiteness (Qat'ī). For example, 'Allāh is the Creator of everything' (Sūrah Zumar, 62), 'There is no creature in the earth except that its provision is upon Allāh' (Sūrah Hūd, 6)

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Generally, this will be the case in the texts that deal with 'Aqīdah.

Secondly, a specific meaning is taken with definiteness from an 'Ām word, the 'Ām meaning is not the objective. For example, 'and upon the people is Hajj to the House whoever has the ability of the path' (Sūrah Āl-'Imrān, 97).

It is clear that Hajj is not Fard upon an immature child or a person who has a mental illness. In this way, this verse does not show its general meaning.

Thirdly, 'Ām Mutlaq, in which there is no clear reason to show Takhsīs, nor is there any reason that shows that it is necessary to remain upon the 'Ām meaning. In this case, Takhsīs can come about if there is another proof of the same strength. For example, Allāh ﷻ chastises those who gather gold and silver, 'and those who hoard gold and silver and do not spend it in the path of Allāh' (Sūrah Taubah, 34)

However, we learn from the Ahādīth that if the Zakāt of gold and silver is given, then there is no problem in keeping gold and silver. In fact, stating that Zakāt is Wājib in gold and silver is proof that it is permissible to keep it. This is because Zakāt will be Wājib when a person has a specific amount of silver and gold.

Questions

1. Define 'Ām

2. Give ten examples of 'Ām from the Noble Qur'ān
3. Explain the ruling of 'Ām and the difference of opinion amongst the jurists
4. With which means is Takhsīs done in 'Ām?
5. Explain the three types of 'Ām in terms of meaning and purport

Mushtarak & Mu'awwal

Mushtarak is that word that has been coined for two or more meanings. For example, the word, 'Ayn, the meaning is 'eye' and 'spring'. In addition, the word 'min', it means 'some' and it also indicates the beginning of something.

The ruling of Mushtarak is that by means of other reasons, one meaning can be stipulated and one can practice accordingly. For example, 'the divorced women should keep themselves waiting for three Qurū', Qurū' means a menstrual cycle and the clean period also. However, the Ahnāf have taken the meaning of the menstrual cycle because;

1. The objective of 'Iddat is to find out if the womb is free and empty and we can find this out through Hayd (menstruation)
2. The 'iddat of a slave woman is two menstrual cycles
3. The Qur'ān has made the 'Iddat of an old woman (who does not get menstruation) three months.

We learn that in 'Iddat, the original is Hayd. Alternatively, in the ruling of Wudū', the letter bā' is used to show a part,

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i.e. and make Masah of a part of your heads'. The letter bā' also comes to explain. It is also used as an extra letter. If bā' shows the meaning of 'part of', then the meaning will be that it is Fard to make Masah of a part of the head, otherwise the meaning of the entire head will be taken. The Ahnāf have taken the meaning of bā' here to be 'a part of'. This is because on one occasion, Rasūlullāh ﷺ made Masah of only a quarter of the head.

The second ruling related to Mushtarak is that one cannot take a number of meanings at one and the same time.

When preference is given to one meaning of the Mushtarak word, then it will be called Mu'awwal.

Questions

1. Define Mushtarak
2. When will Mushtarak become Mu'awwal?
3. What is the ruling of Mushtarak?
4. Explain two examples of Mushtarak from the Noble Qur'ān

Haqīqat & Majāz

Words are of four types in terms using them for their meaning:

1. Haqīqat
2. Majāz

3. Sarīh
4. Kināyah

If a word is used for the meaning that it was coined for, it is called Haqīqat.

In terms of the difference of the one who coined it, Haqīqat is of four types:

1. Lughawī
2. Shar'ī
3. 'Urfī
4. Istilāhī

If the word is used in accordance to what the people of the language coined it for, then it will be Haqīqat Lughawī. For example, the meaning of 'Ard' is the earth. The meaning of Samā' is sky.

If it is in accordance to what the Sharī'ah coined the word for, then it will be Haqīqat Shar'ī. For example, Salāh, Saum. If it is used in accordance to what the general people coin the word for, then it will be Haqīqat 'Urfī, for example, Dābbah is used for cattle.

If a word is coined for a specific field or a specific group, then it will be Haqīqat Istilāhī, for example, according to the Jurists, Fard and Mandūb, and Kalimah and Kalām according to the linguists.

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The ruling of Haqīqat is that for any word, the Haqīqī meaning will be taken at first, there will be no need for any reason, nor need for the intention of the speaker. If there is a conflict between the Haqīqī meaning and the Majāzī meaning, then the Haqīqī meaning will be given preference to.

Majāz: It is that word that is not used for the meaning it was coined for, but it is used for some other meaning and there is a link between the two meanings. For example, Allāh ﷻ says, (أو لامستم النساء). The Haqīqī meaning of Mulāmasat is for one person to touch another. However, here the meaning is intercourse. The link between the two meanings is clear.

Reasons for Leaving out the Haqīqī Meaning

The Haqīqī meaning will be left out and another meaning will be taken when there is some reason to do so. These reasons are of different types:

- The speech itself. For example, Allāh ﷻ says, 'and lower for them the wings of humility.' The Haqīqī meaning is humility, but the word 'dhull' is proof that the Haqīqī meaning is not meant, but humility is meant.
- The context. For example, 'Whoever wants to, he can believe, and whoever wants, he can disbelieve, indeed We have prepared the fire for the oppressors'. The

Haqīqī meaning here is apparently to give a choice to the one addressed, between īmān and disbelief. However, the words 'Indeed We have prepared the fire for the oppressors' shows that the objective is to limit it, not that it permits a person to choose disbelief.

- The condition or state of the speaker. For example, the wife wants to go from the house of the husband and the husband says, 'If you leave the house, then you are divorced.' The Haqīqī meaning is that if the woman leaves the house at any time, the divorce will take effect. However, the condition of the speaker shows that his objective is to give a divorce at that moment if she leaves. This is called 'Yamīn Faur'.
- 'Urf and habit. For example, a person takes an oath that he will not set foot in the house of a person. The Haqīqī meaning is that he will not set his foot in the house of the person. But, according to 'Urf, the general meaning is taken, i.e. his entering at any time.
- The place of the speech. For example, Allāh ﷻ says, 'your mothers have been forbidden for you'. The Haqīqī meaning is the mother being Harām. But, the meaning is that it is Harām to marry the mother, this is the Majāzī meaning. These are some important reasons that will allow us to leave out the Haqīqī meaning for the Majāzī meaning.

The ruling of Haqīqat is that for any word, the Haqīqī meaning will be taken at first, there will be no need for any reason, nor need for the intention of the speaker. If there is a conflict between the Haqīqī meaning and the Majāzī meaning, then the Haqīqī meaning will be given preference to.

Majāz: It is that word that is not used for the meaning it was coined for, but it is used for some other meaning and there is a link between the two meanings. For example, Allāh ﷻ says, (أَوَلَمْ يَسْمَعْ الْيَهُودُ تَبْلَاغًا) says, (أَوَلَمْ يَسْمَعْ الْيَهُودُ تَبْلَاغًا). The Haqīqī meaning of Mulāmasat is for one person to touch another. However, here the meaning is intercourse. The link between the two meanings is clear.

Reasons for Leaving out the Haqīqī Meaning

The Haqīqī meaning will be left out and another meaning will be taken when there is some reason to do so. These reasons are of different types:

- The speech itself. For example, Allāh ﷻ says, 'and lower for them the wings of humility.' The Haqīqī meaning is humility, but the word 'dhull' is proof that the Haqīqī meaning is not meant, but humility is meant.
- The context. For example, 'Whoever wants to, he can believe, and whoever wants, he can disbelieve, indeed We have prepared the fire for the oppressors'. The

Haqīqī meaning here is apparently to give a choice to the one addressed, between īmān and disbelief. However, the words 'Indeed We have prepared the fire for the oppressors' shows that the objective is to limit it, not that it permits a person to choose disbelief.

- The condition or state of the speaker. For example, the wife wants to go from the house of the husband and the husband says, 'If you leave the house, then you are divorced.' The Haqīqī meaning is that if the woman leaves the house at any time, the divorce will take effect. However, the condition of the speaker shows that his objective is to give a divorce at that moment if she leaves. This is called 'Yamīn Faur'.
- 'Urf and habit. For example, a person takes an oath that he will not set foot in the house of a person. The Haqīqī meaning is that he will not set his foot in the house of the person. But, according to 'Urf, the general meaning is taken, i.e. his entering at any time.
- The place of the speech. For example, Allāh ﷻ says, 'your mothers have been forbidden for you'. The Haqīqī meaning is the mother being Harām. But, the meaning is that it is Harām to marry the mother, this is the Majāzī meaning. These are some important reasons that will allow us to leave out the Haqīqī meaning for the Majāzī meaning.

Ruling

Wherever it is not possible to take the Haqīqī meaning, or, the speaker says that he takes the Majāzī meaning, or there is some reason from which we learn that the objective of the speaker is the Majāzī meaning, then in all these cases, the Majāzī meaning will be taken.

One cannot take the Haqīqī and Majāzī meaning of one word at the same time. For example, the meaning of Qamar is moon and the Majāzī meaning is a handsome person. Now, it will not be correct to take both meanings at the same time. However, one form will be excluded. It is called 'Umūm Majāz.

'Umūm Majāz means that the Majāzī meaning is taken from the word, but there is so much generality, i.e. 'Umūm, that the Haqīqī meaning will also be included. For example, a person says, "I shall not place my foot in your house." The Haqīqī meaning is that he will not place his barefoot and the 'Umūm Majāz is general entering, whether he is barefoot, or he wears shoes.

Types of Haqīqat

The Majāzī meaning will be taken when the Haqīqī meaning cannot be taken. In terms of this, there are three types of Haqīqat.

1. Haqīqat Muta'adh-dhirah
2. Haqīqat Mahjūrah
3. Haqīqat Musta'malah

Haqīqat Muta'adh-dhirah

Where there is great difficulty in practicing on it. For example, a person says about the mango tree that he will not eat this tree. So, the fruit will be meant, not the tree itself. This is because it is extremely difficult to practice on the Haqīqī meaning of 'eating the tree'.

Haqīqat Mahjūrah

It is possible to practice on it, but generally, or according to the Sharī'ah, practice on it has been left out. For example, if someone says, "I shall not place my foot in your house." The Haqīqī meaning of placing the foot is to place the barefoot in the house and the rest of the body is kept out of the house. However, generally this meaning is not taken. Alternatively, a person appoints a lawyer to fight his case. So, the Haqīqī meaning of Wakīl bil Khusūmah is to appoint someone to refute the opposition group. However, because this is not permissible in the Sharī'ah that every action and word, correct or incorrect, will be negated, it will be taken to refer to a general answer. The lawyer will have the right to deny and to attest.

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In both of these cases of Haqīqat, the Majāzī meaning will be taken, by consensus.

Haqīqat Musta'malah

Where the word is generally used.

There are two forms of Haqīqat Musta'malah: One is where no Majāzī meaning is in vogue. In such a case, the Haqīqī meaning will be practiced upon by consensus. Most words are like this. The second type are those where the Majāzī meaning is used more than the Haqīqī meaning. According to Imām Abū Hanīfah رحمته الله, in such a case, the Haqīqī meaning will be practiced upon. According to Imām Abū Yūsuf رحمته الله and Imām Muhammad رحمته الله, in such a case, the Majāzī meaning will be taken. For example, if a person takes an oath that he will not eat wheat, then the meaning of eating the wheat grain itself will not be left out. Wheat is roasted and eaten. However, wheat is mostly grinded and then eaten. Therefore, according to Imām Abū Hanīfah رحمته الله, eating wheat in its original form will be meant and in this case, the person will break his oath, otherwise not. According to Sāhibayn, if the person eats bread made of the flour, then too, he will be counted as breaking his oath.

Types of Words in terms of Clarification and Explanation

In terms of clarity, words are of four types:

1. Zāhir
2. Nass
3. Mufassar
4. Muhkam

Zāhir

That word whose meaning can be understood from the word itself. However, the ruling proven from it is not the objective of the speech. For example, Allāh سبحانه says, 'Allāh has permitted trade and forbidden interest'. The objective of this verse is to explain the difference between trade and interest. However, we also learn that trade is permissible and interest is not. In terms of this, this word is Zāhir.

The ruling of Zāhir is that it is Wājib to practice on it. The Hudiūd and Kaffārāt will also be proven. However, there is scope for interpretation and abrogation.

Nass

It is where the words are clearer than Zāhir and it is the objective of the speech. For example, Allāh سبحانه says,
 (وَأَن خَفْتُمْ أَلَّا تَقْسُطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ)
 (أَمْثَلِي وَثَلْثَ وَرَبِيعَ فَإِنْ خَفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ)

The objective of this verse is to show that one is permitted to marry upto four wives, not more. In terms of the number of Nikāhs one can do, this is Nass.

In both of these cases of Haqīqat, the Majāzī meaning will be taken, by consensus.

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The objective of this verse is to show that one is permitted to marry upto four wives, not more. In terms of the number of Nikāhs one can do, this is Nass.

It is Wājib to practice on Nass. However, there remains room for interpretation and abrogation. If the Nass of one verse and Zāhir of another verse apparently conflicts, then Nass will be given preference to. For example, in the verse above, Nass is that a person can keep four wives at one time and another verse says, 'For you is permitted from besides them'. The Zāhir is that it is permissible to marry women besides the Mahram women, no matter how many they are. Now, the Nass of the first verse will be preferred, that one cannot keep more than four wives at one time.

Questions

1. What is Haqīqat?
2. Define Majāz and give at least three examples from the Qur'ān?
3. The reasons for which the Haqīqī meaning can be left, explain them with examples
4. What is the meaning of 'Umūm Majāz?
5. Explain Haqīqat Muta'adh-dhira and Mahjūrah with examples
6. What is Haqīqat Musta'milah and what is its ruling?

Mufassar

It is where the word is so clear that there remains no scope for interpretation or Takhsīs. For example, (الرأية والزاني) (فاجلدوا كل واحد منهما مائة جلدة). The word mi'ah is clear and has no scope for interpretation.

The ruling of Mufassar is that it is Wājib to practice on it. Interpretation in it will not be considered. However, there remains scope for abrogation in it during the life of Rasūlullāh ﷺ.

If there is a conflict between Mufassar and Nass, then Mufassar will be given preference to. For example, the sentence, 'I have married'. This is Nass for a correct Nikāh. Now, if someone says with this, 'for a month', then this will clarify that it is Mut'ah, so it will render the Nikāh null and void.

Muhkam

A word that is extremely clear and has no possibility of being abrogated. For example, 'indeed Allāh has knowledge of everything.' (Sūrah Taubah, 115)

After revelation ended, Mufassar is now also Muhkam. Similarly, the verses relating to the being and qualities of Allāh ﷻ, and those laws that have been clearly said to be eternal, they are Muhkam.

The ruling of Muhkam is that it is Wājib to practice on it.

If there is a conflict between Mufassar and Muhkam, then Muhkam will be preferred. For example, 'and take two just witnesses from amongst you'. This is Mufassar. The demand of it is that the testimony of someone punished for false accusation will be reliable after he repents. This is because a person comes out of the circle of Fisq through

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repentance. However, another verse that speaks about a person that has been punished for false accusation says, 'and do not accept their testimony again'. This is Muhkam. From this, we learn that the testimony of a person punished for false accusation will not be reliable. Subsequently, it will be preferred, and the testimony of this person will not be accepted.

Questions

1. Define Zāhir and give at least two examples from the Qur'ān
2. Define Nass and give at least two examples from the Qur'ān
3. What is the Nass and Zāhir in the verse, (رَكَعًا مَعَ الرَّاكِعِينَ)
4. Define Mufassar and give at least two examples
5. What is Muhkam, explain with examples.

Types of Words in Terms of Vagueness

In terms of vagueness and unclarity, words are of four types.

1. Khafī
2. Mushkil
3. Mujmal
4. Mutashābih

Khafī

Where the lexical meaning is clear, but one has doubt when applying to a certain cases. For example, (السارق والسارقة). In this verse, the meaning of stealing is clear. However, will a person who pinches items from people's pockets and a thief of burial shrouds be called a thief or not? In terms of this, the meaning of Sāriq is Khafī. Alternatively, as Allāh ﷻ mentions Kaffārah, 'feed ten poor people'. This refers to cooking and feeding them. The question is that if a person, instead of cooking and feeding, he just buys the necessary items and gives it, or he gives the money, will this be sufficient to fulfil the ruling of feeding the poor or not? In terms of this angle, this verse is Khafī.

The ruling of Khafī is that one should think over it and practice on the result. For example, in the case of pinching things from people's pockets, the condition of stealing is found to a greater extent. Therefore, the punishment will be the same as that of a thief. The condition of one who steals the burial shrouds is lesser, because a shroud thief does not take 'protected wealth'. Therefore, the punishment for stealing will not be implemented on him.

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Mushkil

The word whose meaning is not clear itself. For example, (قواريرا من فضة قدروها تقديرا). The word Qārūrah means glass, not silver. Then when we think over it, we learn that what Allāh ﷻ means is that Qārūrah of Jannah will be like glass in cleanliness and like silver in whiteness.

The ruling of Mushkil is that one should have the belief that it is true and it is Wājib to think over what is the meaning. After thinking, if the meaning becomes clear, then it will be Wājib to practice on it.

Mujmal

That word in which the level of vagueness is such that without the clarity of Shāri' or the speaker, it will not be removed. For example, 'Establish Salāh and give Zakāt'.

The condition, laws and related matters of establishing Salāh and giving Zakāt cannot be learnt from this verse. This is because it is Mujmal. When the Shāri' or speaker will clarify it, then it will become Mufassar. Subsequently, Rasūlullāh ﷺ explained establishment of Salāh and giving of Zakāt through his deeds, so it does not remain vague anymore.

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Mutashābih

Where one cannot know of the meaning with certainty and now it is not possible to know it. There are two types of Mutashābih:

1. The Hurūf Muqat-ta'āt in the beginning of the Sūrahs
2. The qualities of Allāh explained in the Qur'ān and Sunnah, and their apparent condition is not meant. For example, (فاوحينا إليه ان اصنع الفلك) (يد الله فوق أيديهم) (بأعيننا). The ruling of Mutashābih is that one must have imān that they are true and the real condition and meaning must be handed over to Allāh. For example, these qualities are proven for Allāh, but in accordance to the grandeur of Allāh, only Allāh knows of them.

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7. What is the ruling of Mujmal?
8. Define Mutashābih and give two examples from the Qur'ān and Hadīth
9. What is the difference between Mujmal and Mutashābih?
10. What is the ruling of Mutashābih?

Types of Dalālat

In terms of pointing out their meanings, words are of four types:

1. 'Ibārat-un-Nass
2. Ishārat-un-Nass
3. Dalālat-un-Nass
4. Iqtidā'-un-Nass

'Ibārat-un-Nass

The word is brought to show a certain meaning, it is called 'Ibārat-un-Nass.

Ishārat-un-Nass

The meaning learnt from the word, but the speech is not brought for it. It is called Ishārat-un-Nass. For example, Allāh ﷻ says, (وعلى المولود له رزقهن وكسوتهن بالمعروف). The objective of this verse is that it shows that the payment for breastfeeding is upon the father, but the father was called 'Maulūd lahu', and by this, there is indication that the

lineage of the children will be proven from the father, not the mother. So, the payment for breastfeeding will be compulsory on the father. This is 'Ibārat-un-Nass of the verse. The lineage of the children to the father is the Ishārat-un-Nass of the verse.

Dalālat-un-Nass

The ruling that is not mentioned in the Nass, but one can find it out without thinking and pondering. Allāh ﷻ says, (وبالوالدين إحسانا إما يبلغن عند الكبير أحدهما أو كلاهما فلا) (تقل لهما أف ولا تنهرهما وقل لهما قولا كريما) In this verse, Allāh forbade us from saying 'uff' to one's parents. However, there is no mention of swearing. However, even a common person will hear this verse and say that swearing one's parents is not permissible. This is the Dalālat-un-Nass of the verse.

Iqtidā'-un-Nass

There is an extra word in the Nass such that the speech will not be correct without it. For example, Allāh ﷻ says, (حرمت عليكم الميتة والدم ولحم الخنزير). In this verse, before maytah, the word 'akl is understood as hidden, i.e. eating these things are forbidden for you.

Ruling of the Four Types of Dalālat

Rulings are proven from all four types of Dalālat. It will be given preference to over Qiyās. However, when there is a

7. What is the ruling of Mujmal?
8. Define Mutashābih and give two examples from the Qur'ān and Hadīth
9. What is the difference between Mujmal and Mutashābih?
10. What is the ruling of Mutashābih?

Types of Dalālat

In terms of pointing out their meanings, words are of four types:

1. 'Ibārat-un-Nass
2. Ishārat-un-Nass
3. Dalālat-un-Nass
4. Iqtidā'-un-Nass

'Ibārat-un-Nass

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Ruling of the Four Types of Dalālat

Rulings are proven from all four types of Dalālat. It will be given preference to over Qiyās. However, when there is a

conflict, then 'Ibārat-un-Nass will be preferred over Ishārat-un-Nass and Ishārat-un-Nass over Dalālat-un-Nass. For example, 'O you who believe, Qisās has been prescribed for you in the case of killing.' The 'Ibārat-un-Nass is that in a case of wilful killing, Qisās is Wājib.

In another verse, 'He who wilfully kills a believer, his recompense will be Jahannam, he will stay there forever and the anger of Allāh will be on him and His curse.'

In this verse, the entire punishment of killing a believer is mentioned. He will go to Jahannam. The Ishārat-un-Nass is that in the case of wilful killing, Qisās should not be compulsory. So, the 'Ibārat-un-Nass of the first verse will be preferred over the Ishārat-un-Nass of the second.

Allāh ﷻ says, 'Whoever kills a believer by mistake, he should free a believing slave...' The Dalālat-un-Nass of this verse is that in the case of wilful killing, Kaffārah should be Wājib to a greater extent. Another verse states, 'Whoever wilfully kills a believer, his recompense is Jahannam, he will stay there forever'. The Ishārat-un-Nass is that in the case of wilful killing, Kaffārah will not be Wājib. This is because the punishment for wilful killing is Jahannam and Jahannam will be Wājib in the case where it is not possible to get the sin wiped out. Therefore, the Ishārat-un-Nass of this verse will be preferred over the Dalālat-un-Nass of the second verse.

Mafhūm Mukhālif

The form or case for which the ruling is mentioned in the Nass, if the opposite ruling is proven for a case besides it, it will be called Mafhūm Mukhālif. For example, (ان كن اولات حمل فانفقوا عليهن حتى يرضعن حملهن). In this verse, it has been classified as Wājib to give maintenance to a divorced woman who is pregnant. So, if the divorced woman is not pregnant, then the maintenance for the 'Iddat period will not be Wājib. This is Mafhūm Mukhālif. According to the Ahnāf, there is no consideration given to Mafhūm Mukhālif in the Qur'ān and the Sunnah, it is considered by the other jurists.

Questions

1. What is the definition of 'Ibārat-un-Nass and Ishārat-un-Nass?
2. What is the 'Ibārat-un-Nass and Ishārat-un-Nass in the verse (وان خفتم الا تقسطوا في اليتيم فانكحوا ما طاب لكم) (من النساء مثنى وثلاث وربع)?
3. Define Dalālat-un-Nass and Iqtidā'-un-Nass
4. Give one example each of Dalālat and Iqtidā'
5. What will the ruling of the four types of Dalālat be?

6. If there is a contradiction, then which one will be given preference over the other? Explain with examples different from the ones in the book
7. Define Mafhūm Mukhālif
8. What is the Mafhūm Mukhālif in the verse

ومن لم يستطع منكم طولا ان ينكح المحصنت المؤمنت فمن ما
(ملكت أيمانكم من فتيتكم المؤمنت)

The Objectives and Levels of the Laws of Sharī'ah

There are five basic objectives of the Shar'ī laws:

Hifz-e-Dīn

The objective of worship, Jihād, calling to Allāh and punishment for Irtidād is protection of Dīn.

Hifz-e-Nafs

Protection of life and honour, permissibility of food items, prohibition of killing, compulsion of Qisās, prohibition of false accusation, all these are for the protection of life.

Hifz-e-Nasal

The prescription of Nikāh, prohibition of adultery, laws of establishing lineage and others are for this objective.

Hifz-e-'Aql

The prohibition of intoxicants and punishment for the one who consumes them is to protect the 'Aql.

Hifz-e-Māl

Permission to trade and earn, prohibition of stealing, and laws of business are for the protection of wealth.

For these five objectives, all the laws hereunder fall into three levels:

Darūrat

Without it, it is not possible to acquire these five objectives and protect them. This is Darūrat. For example, permission to earn in order to save one's life.

Hājat

Those laws upon which the five objectives are not suspended, but if they are not present, then there will be difficulty. Life is not dependent upon eating nicely, but if permission is not given, there will be difficulty.

Tahsīn

Those laws whose objective is ease, like permission to eat different types of food that are enjoyable.

6. If there is a contradiction, then which one will be given preference over the other? Explain with examples different from the ones in the book
7. Define Mafhūm Mukhālif
8. What is the Mafhūm Mukhālif in the verse

ومن لم يستطع منكم طولا ان ينكح المحصنت المؤمنت فمن ما
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Those laws whose objective is ease, like permission to eat different types of food that are enjoyable.

The level of Darūrat is the highest. Then Hājat and then Tahsīn. If it is possible to practice on Darūrat or Hājat, then Darūrat will be given preference. If there is a clash between Hājat and Tahsīn, then Hājat will be preferred. For example, two people are on a journey. One person has food to a greater extent than his need and the other person is poor and fears his life. So, it will be permissible for him to eat from the food of his companion without his permission. This is because it is a Darūrat for him and a Hājat for the second person. The hungry person can pay back later. Similarly, Nafl Salāh can be left out to look after a patient because looking after a patient is at least a Hājat and Nafl Salāh is Tahsīn. Hājat will be preferred over Tahsīn.

If there is a clash of two laws of the same level, then the sequence of preference will be Dīn, life, lineage, intelligence, wealth. For example, Jihād is a Darūrat in terms of Dīn and saving one's life from danger is a need in terms of Hifz-e-Jān. Now, Hifz-e-Dīn will get preference and even if there is fear for life, Jihād is Fard. A person is forced to commit adultery; otherwise, his wealth will be stolen. Now, staying away from adultery is Hifz-e-Nasl and a Darūrat whilst saving wealth is a Darūrat in terms of Hifz-e-Māl. Here, Hifz-e-Nasl will be given preference and adultery will not be permitted.

Questions

1. What are the five objectives of the Sharī'ah?
2. What is the meaning of Hifz-e-Nafs?
3. What are the levels of the laws of the Sharī'ah?
4. When there is a conflict between Darūrat, Hājat and Tahsīn, which one will be given preference?
5. What is the sequence of importance and preference in the five objectives of the Sharī'ah?
6. Explain this by means of examples besides the ones mentioned in the book

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As with all endeavours, there are bound to be perfections and shortcomings. The perfections are from Allah and the shortcomings from us. Kindly feel free to provide constructive feedback at ghazali.in.motion@gmail.com

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آسان أصول الفقه

About the Book

Usul-ul-Fiqh Made Easy is a work that simplifies the field of the principles of Fiqh. It will serve as an aid to the student before studying the higher works on the subject. This work is taught in many institutions in the original Urdu and will now help the English medium institutions.

This book will be welcomed by students in many parts of the world, especially because of the deep nature of the subject of Usul-ul-Fiqh.

The author, Maulānā Khālid Sayfullāh Rahmanī is a brilliant contemporary scholar who has beautifully penned this work. Each section has questions at the end, which will help the teacher in entrenching the subject matter into the minds of his students. Students and teachers will appreciate this work greatly.